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NATIONAL REVIEW

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John McCain and the politics of character

RICHARD LOWRY
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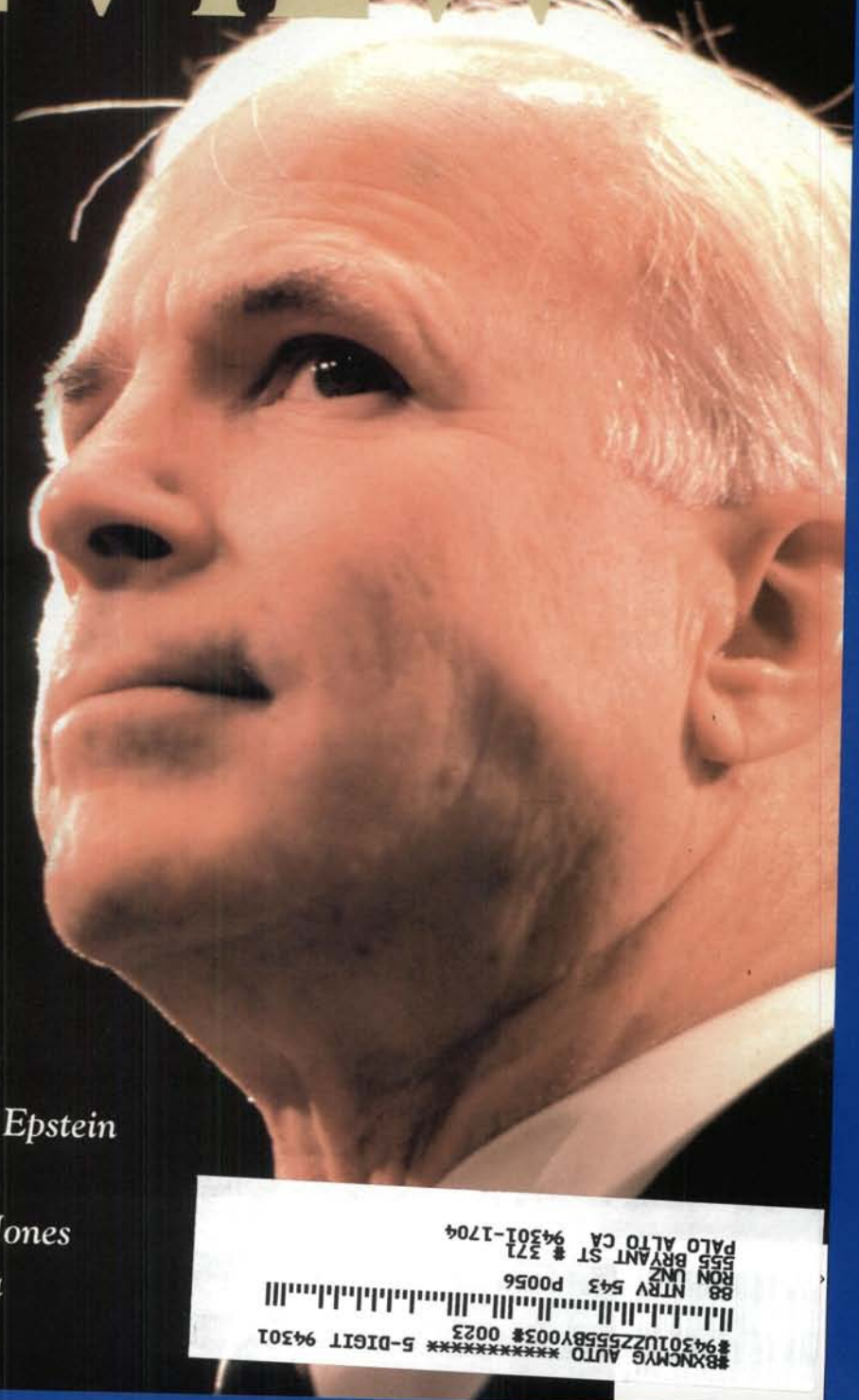

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NATIONAL REVIEW

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■ LETTERS ■

A NECESSARY DEFENSE

Most readers of NR were probably as astonished as I was to find that H. R. McMaster, in his review of my book *Vietnam: The Necessary War* ("Weekend Warrior," Sept. 13), attacks me—from the left! Like the anti–Cold War Left, McMaster plays down the significance of the wars in Indochina as proxy struggles in the Cold War: "Evidence now available shows that the imperative to contain Communism was indeed an important factor in Vietnam policy . . ." An important factor? Here, as in his book *Dereliction of Duty*, McMaster uncritically parrots the anti–Cold War Left's line that the Vietnam War was the tragic result of the partisan machinations of sinister American presidents and aides. Even worse, McMaster complains that I do not rely, as he did in his book, on left-wing academics like Lloyd C. Gardner. Indeed I don't—for the same reason that I don't rely on Noam Chomsky as a guide to U.S. Cold War policy.

Not content to boost leftist academics, Mr. McMaster claims I defend another bogey of the isolationist Left, the imperial presidency: "Lind, however, feels that, in matters of war, the people should grant effective carte blanche to one leader: the president." What I really say is that conditional declarations of war, allowing but not forcing the president to wage war, are more effective tools of U.S. coercive diplomacy than general declarations. "In this scenario," according to Mr. McMaster, "there would be no democratic debate over the most momentous decisions a nation can face, those involving life and death." On the contrary—I favor a congressional debate, but believe that it should come well in advance of possible hostilities. The Gulf War, in which Mr. McMaster served with great distinction, was authorized by a conditional declaration permitting President Bush to refrain from unleashing the U.S. military if Saddam Hussein met U.S./U.N. demands by the January 15 deadline. Under Mr. McMaster's peculiar theory, when the deadline passed Bush should have been forced to go back to Congress for yet another debate and yet another resolution.

Mr. McMaster professes shock at my argument that "merely preserving national credibility can provide the necessary justification for going to war. This is so even in the absence of a commitment to achieving tangible goals or producing an outcome consistent with clearly defined American interests." But preserving America's military credibility, in a zero-sum struggle against the Soviet empire for global primacy, *was* a tangible goal *and* a clearly defined American interest. As I show in my book, both President Truman and the Joint Chiefs agreed that Korea was of little intrinsic value to the U.S.; the Korean War, like the Vietnam War later, was fought primarily to prove that the U.S. was a credible alliance leader. My view of the importance of U.S. military credibility is shared by, among others, Sen. John McCain of Arizona, a former POW in Vietnam: "It seems to me obvious on the face of it that after two separate American presidents warned Milosevic that the United States would not tolerate Serb aggression against Kosovo, and after President Clinton twice delivered ultimatums to Milosevic to come to terms or else, that the failure to make good on those threats would devastate our credibility everywhere."

"For Lind, fighting and dying are ends in themselves"—this is Mr. McMaster's caricature of my argument that sometimes a retreat without a show of force can be more devastating to a nation's military reputation than a less-than-fatal defeat. History supports my contention. The U.S. suffered major defeats in the War of 1812—but succeeded in convincing Britain and other powers that they would pay a price in any future confrontation. Despite China's huge losses in the Korean War, Mao was convinced that he had proven to both enemies and allies that China was a significant power—and he was right, as Washington's fear of provoking all-out war with China during the later Vietnam War proved.

On page four of the same issue of NR in which my book is reviewed, readers learn that 22 prominent conservatives, including those well-known "weekend warriors" William F. Buckley Jr. and William Kristol, call on the Clinton administration to "declare unambiguously that it will come to Taiwan's defense in the event of an attack or a blockade . . ." If the U.S. is, or should be, prepared to defend South Korea and Taiwan today to defend America's credibility as the leading East Asian military power, in the absence of a global great-power struggle, then why wasn't it all the more important to prevent U.S. allies in South Vietnam, Cambodia, and Laos from being violently overthrown by dependents of the Soviet Union and Maoist China at the height of the third world war?

Michael Lind
Washington, D.C.

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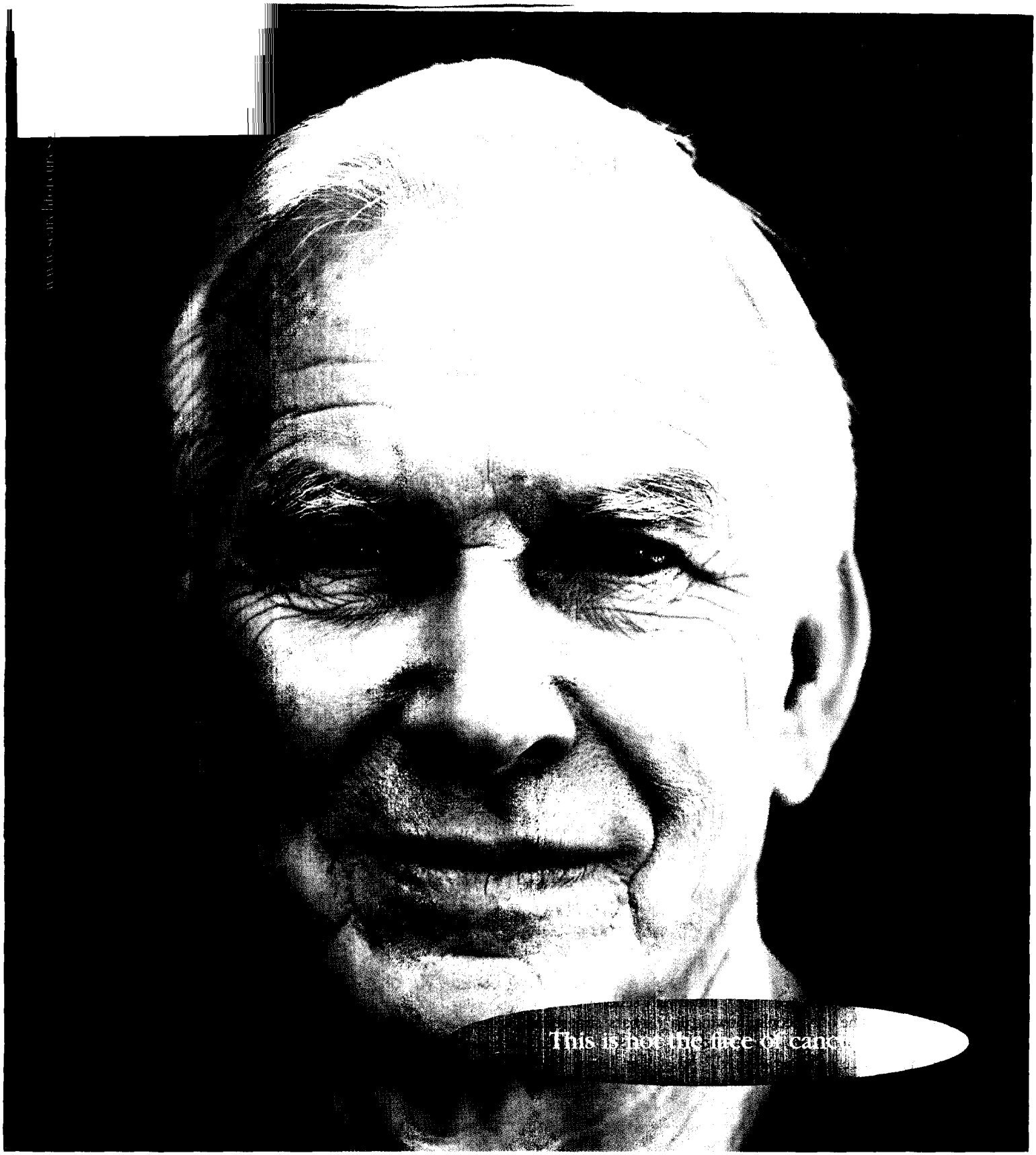

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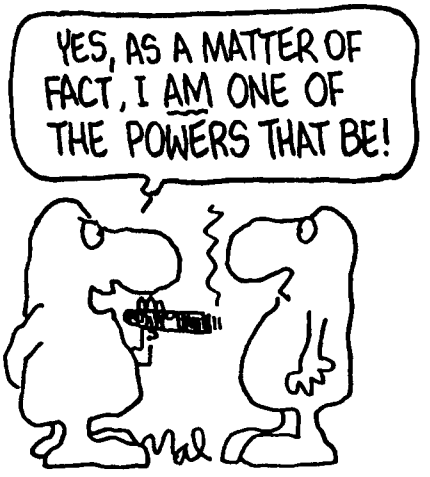
■ FOR THE RECORD ■

■ After spotting photographers in woods, President **Clinton** "tried to hide a fat stogie during a golf game on Martha's Vineyard," reports New York *Daily News*. . . . Clinton includes left-wing book *Waves of Rancor: Tuning in the Radical Right*, by **Robert Hilliard** and **Michael Keith**, on summer- vacation reading list. . . . Shortly after Clinton and **First Lady** purchase house in Chappaqua, N.Y., California man asks town police for permit to picket outside. . . . Clintons will be constituents of Rep. **Sue Kelly** (R.), who voted to impeach last December. . . . Longtime Democratic donor **Bernard Lewinsky**, father of **Monica**, receives fundraising appeal from Clinton Legal Expense Trust, writes "return to sender" on envelope and scrawls, "You must be morons to send me this letter!"—reports Associated Press.

■ Maryland Lt. Gov. **Kathleen Kennedy Townsend** plans fundraising trip to Iowa on behalf of Vice President **Gore**. . . . On *Hardball*, former labor secretary **Robert Reich** says **George W. Bush**'s education speech "sounded like it could have been made by the Democratic Leadership Council." . . . Republican National Committee chairman **Jim Nicholson**, fearing **Pat Buchanan** defection to Reform party, requests private meeting with Buchanan. . . . **Dan Quayle**: "The campaign has been quite boring, frankly." . . . **Alan Keyes** wins Alabama GOP straw poll, with Sen. **Orrin Hatch** (R., Utah) and Bush close behind. **Merle Black** of Emory University: "The only people showing up [Keyes and Hatch] are the candidates with no chance of being elected." . . . New Hampshire Democrats in town of Hampton hold "reverse straw poll" to pick which GOP candidate is most beatable. First place goes to **Gary Bauer**. **Elizabeth Dole** finishes last.

■ Sen. **Rod Grams** (R., Minn.), once considered highly vulnerable to challenge, currently lacks strong Democratic opponent. . . . House minority whip **David Bonior** buys $212,000 home in Michigan district, following revelations last year that he owns swank $318,000 house on Chesapeake Bay but only a $39,000 condominium in district. . . . **Newt Gingrich**, asked on C-SPAN whether he will run for office again: "I always tell people I'm the same age **Ronald Reagan** was when he became governor of California." . . . Washington state activists push ballot initiative to reduce car tax and require voter approval of all tax increases. . . . Virginia Republicans optimistic about gaining total control of state legislature in November elections this year. Republican governor **James Gilmore**: "We're emerging from a one-party state." . . . Talk-show host **Jerry Springer** says he won't run for Senate as an Ohio Democrat next year. . . . Indianapolis Colts become first NFL team to start political action committee.



■ Texas girl leads prayer before high-school football game after federal judge bars superintendent from disciplining her. . . . United Methodist Church releases Labor Day liturgy saying "we will remember all workers exploited by multinational corporations pursuing cheap labor." . . . Justice Department lawyers sue own agency for failing to pay overtime. . . . Microsoft-busting DOJ lawyer **David Boies** comes under fire for explaining in U.K. newspaper how "anyone outside the U.S. harmed by a U.S.-based pricing conspiracy" can recover damages from American companies. . . . City of Detroit, currently suing gun makers and dealers for $400 million, admits selling used police revolvers to raise money for new weapons. . . . Barely more than 1,000 people attend **Khallid Abdul Muhammad**'s "Million Youth March" in Harlem. . . . Center for Education Reform calculates that roughly 350,000 students will attend 1,684 charter schools this fall. . . . **Ron K. Unz**, author of California's Prop. 227 repealing bilingual education, mulls similar initiative in New York City. . . . Famous line by yellow journalist **William Randolph Hearst** to artist **Frederic Remington** before start of Spanish-American War, "You furnish the pictures, and I'll furnish the war," is probably bunk, says American University's **W. Joseph Campbell**.

■ German chancellor **Gerhard Schröder**'s left-wing party nosedives in polls, suffers in fall regional elections. . . . Leaders of three Russian state Duma factions, including grandson of **Joseph Stalin**, form new election coalition called "Stalinist Bloc" aiming to revive Soviet Union. . . . Gdansk court summons former Polish president **Wojciech Jaruzelski**, 76, to appear in court in connection with 1970 massacre of 44 people by police and army. . . . Taiwan scrambles to ensure new Panamanian president **Mireya Moscoso** maintains diplomatic recognition of island. . . . Moody's Investor Services estimates value of bad loans by China's four state-owned banks may approach $121 billion, an amount equal to China's entire fiscal revenue last year. . . . Israelis discover another tunnel between Palestinian and Egyptian sections of Gaza border town, apparently used by terrorist groups to smuggle arms inside autonomous Palestinian areas. . . . New Zealand opposition leader **Bob Harvey** suggests former prime minister **Norman Kirk**, who died 25 years ago, may have been poisoned by CIA, demands current prime minister **Jenny Shipley** raise issue at upcoming meeting with Clinton. . . . **Pope John Paul II** scheduled to meet with **Saddam Hussein** during visit to Iraq in early December.

■ **Warren Beatty** "recently told a friend that his campaign could be *The Blair Witch Project* of American politics," reports *The Nation*. Movie induced nausea in many viewers. **NR**

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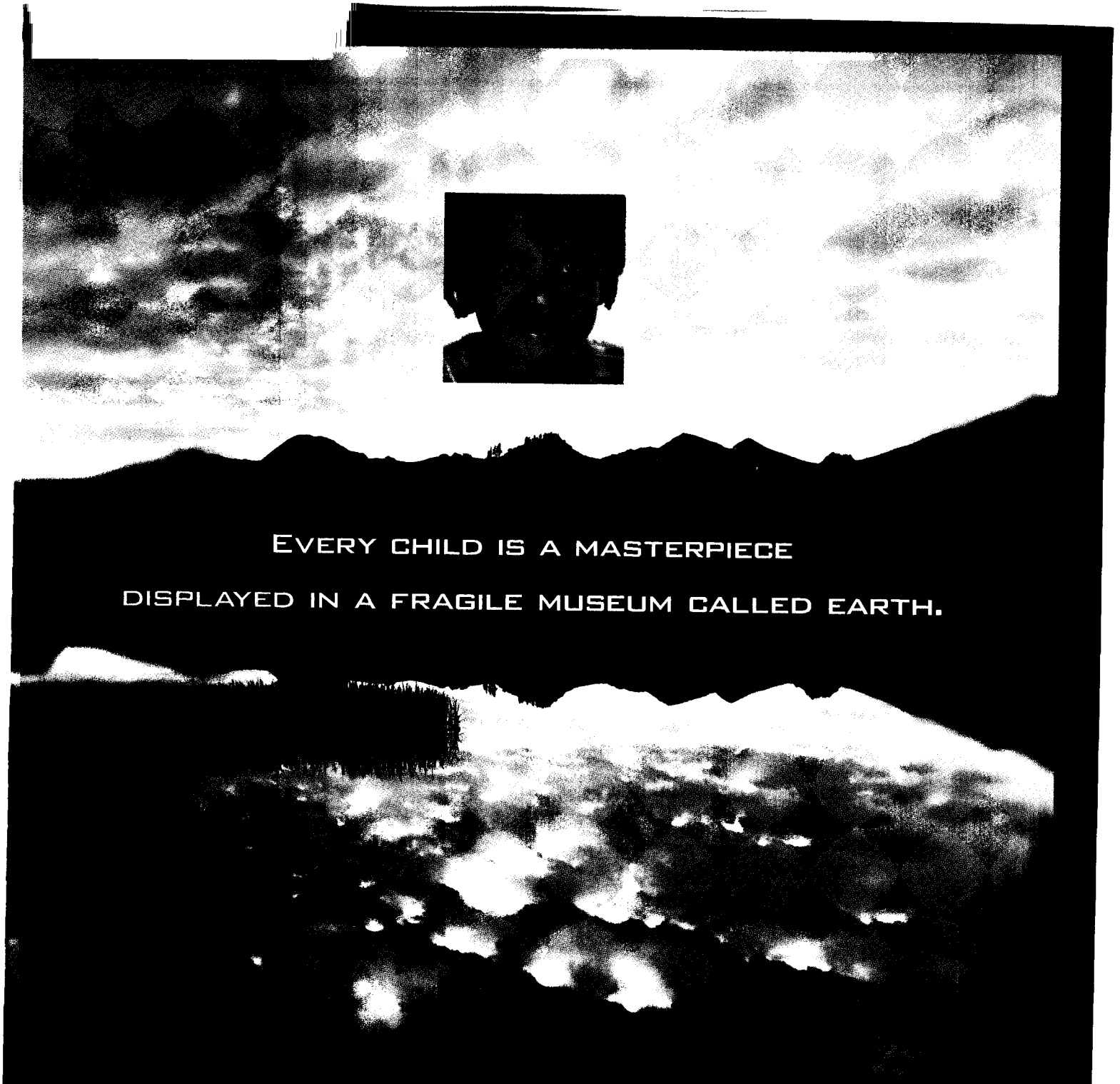

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THE WEEK

■ The Clintons' legal-defense fund mailed a pitch to Dr. Bernard Lewinsky. His daughter gave at the office.

■ Federal judge Solomon Oliver Jr. briefly suspended Cleveland's school-voucher program on church-state grounds. This was a mistake: A government that merely permits parents to use vouchers at religious schools cannot plausibly be said to be establishing a religion. For the school-choice opponents who asked the judge to intervene, he made a political mistake, too: The injunction, coming a day before the start of the school year, looked almost vindictive. Parents of the 4,000 children affected were outraged. The anti–school-choice side was put on the defensive, its willingness to hold children hostage to its anti-religious prejudices and political interests exposed. Never was it clearer that the liberal state regards poor black families as its captives, not its clients. The pro-voucher camp looked a lot better: The schools involved in the program agreed to take the students despite the financial uncertainty, and supporters started to raise money in case the program was dissolved entirely. Within three days, public pressure forced Judge Oliver to retreat. He still plans to find the program unconstitutional, but the injunction is off for most of the children. For the education establishment, this episode has to register as a demoralizing defeat. Its position looks more and more like that of the Soviet Union in the early '80s: seemingly invulnerable because it commands vast resources, but actually decaying because it no longer commands belief.

■ George W. Bush's speech on education is therefore all the more disappointing. His endorsement of vouchers was tepid—he did not even use the word. Vouchers under him would be limited to failing schools that show no progress after three years. The rest of Bush's speech was no more inspiring. He announced that a Bush administration would review the results of 760 federal education programs and defund the failures. But conservatives have already identified many of the failures. Bush could have specified them if he were serious about making cuts. (He did, however, specify that any cuts would be matched by increases for successful programs.) Bush would also promote early-childhood education, notwithstanding the lack of evidence that it is effective or necessary. He promised to move Head Start from the Department of Health and Human Services to the Department of Education—the sort of fiddling with organizational charts that administrations typically turn to when they have no real agenda. Bush is doing the bare minimum, coasting along like a high-school senior who has gotten his college acceptance letter. The conservatives who praised his speech are giving in to grade inflation.

■ According to the latest *Boston Globe* poll, Bill Bradley and Al Gore are in a statistical dead heat among likely Democratic voters in New Hampshire. Pollsters credit much of Bradley's success to the electorate's desire for political change. He has certainly been providing a lot of that lately. When he was in the Senate, Bradley assailed ethanol subsidies as a rip off designed to aid Iowa farmers: "The ethanol industry has been living off the dole long enough. This billion-dollar tax break is nothing more than a gift to a single politically connected industry." Today, Bradley is not only in favor of agri-welfare, he is outbidding Gore. He explained himself to *Meet the Press*: "When I was in the Senate, I represented my state," and the ethanol subsidy "was not good for New Jersey." His vision, you see, has simply become less parochial—and not only about ethanol. As a senator, Bradley voted for pilot programs for school vouchers; he now says that vouchers are a "nonstarter." He once backed a plan for the partial privatization of Social Security; he now says that he is "skeptical." Who knew that protecting New Jersey's narrow interests could be so enlightened?

■ Senatorial candidate Hillary Clinton announced that her husband's offer to commute the jail sentences of 16 Puerto Rican terrorists, serving time for a wave of bombings and bank robberies in the late '70s and early '80s, should be withdrawn, since the terrorists' failure to renounce violence "spoke volumes." Additional volumes were spoken by the press reports that every relevant federal agency had opposed the clemency offer, and by New Yorkers with functioning memories (three cops were maimed defusing bombs, and six New Yorkers died from bombs the cops did not get to). Obviously, this bit of ethnic pandering backfired. Some of the terrorists have indeed renounced their old ways—but for safety's sake, better give those *Hillary para el Senado* rallies a wide berth.

■ New Jersey governor Christine Whitman pulled out of the state's Senate race, citing lack of funds. This is a new problem for her, lack of votes being more typical. She squeaked into the governorship in 1993 against an unpopular incumbent on the strength of a last-minute conversion to tax cutting. Four years later, she won reelection with less than 50 percent of the vote. Her economic record was spotty, and she had stifled attempts to experiment with school choice. Her

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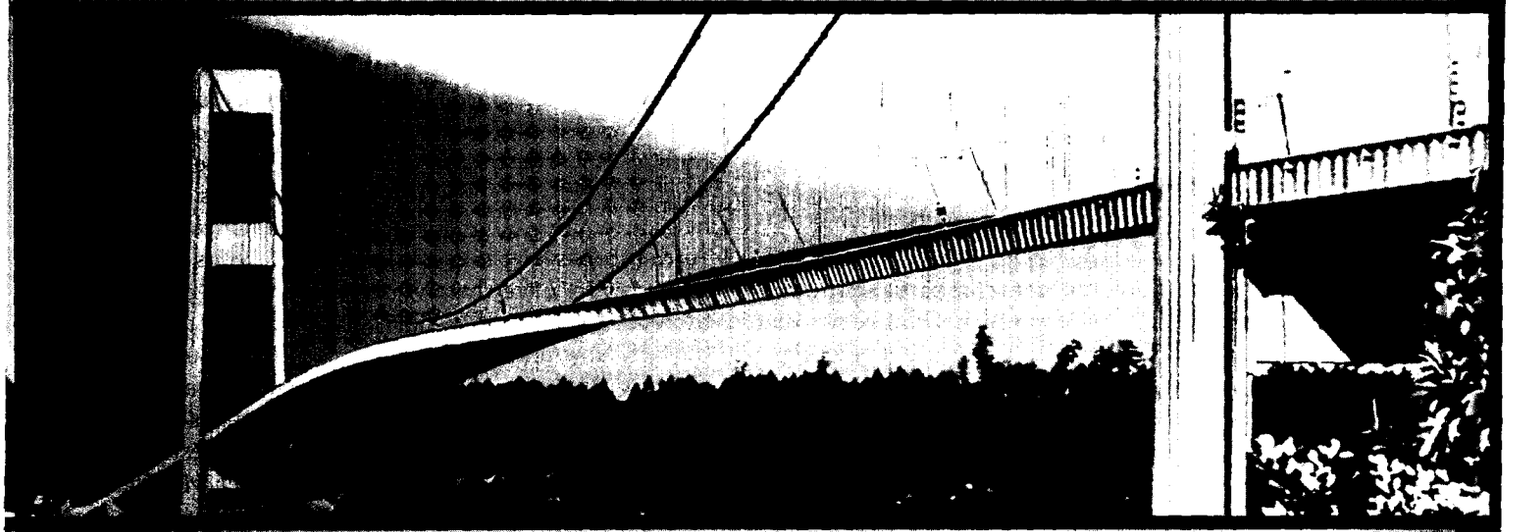

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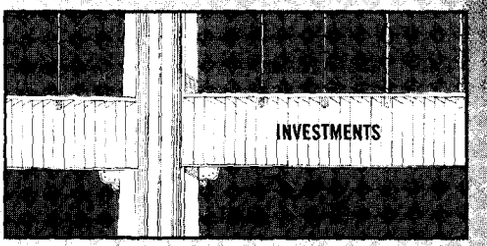

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McCain's Quest

John tilts at brutish W.
While wearing colors of those who
Yearn for a knight who's more adult,
Reads books, and knows a catapult
Is not a cathouse; so, perchance
You'll cheer him when he breaks a lance.

—W. H. von Dreele

fanatical support of abortion (including the partial-birth variety) was supposed to make her the leader of a wave of social liberalism in the GOP; mostly it led to a wave of press clips. If a Republican wins the White House, she may get a cabinet post—a fit graveyard for her career. May we suggest (with Mrs. Dole in mind) Transportation?

■ Most folks sitting atop more than $5 million in unpaid legal bills, and who had not made a mortgage payment in 16 years, would have trouble getting a home loan, let alone one for $1.3 million. But then the Clintons have always been special people, with special friends. One of those friends is Terence R. McAuliffe, a Democratic fundraiser, who secured the Clintons' purchase of an eleven-room house in Westchester County. McAuliffe appears to be a subject of two federal investigations. In 1998, he was questioned by a grand jury about swapping funds between the Teamsters and the Democratic National Committee. Earlier this year, the Department of Labor began an investigation of two trustees of an electrical-workers fund, accused of making an improper loan to a development company owned by McAuliffe and his wife. Clinton defenders say that, though the home loan may look improper, there is nothing technically illegal about it. That, come to think of it, has been the best possible construction on the entire Clinton presidency—and now it looks like it will hold true for the post-presidency as well.

■ The notion that the law should accommodate religious practice when the two conflict is an old one: Catholic Masses were legal during Prohibition. That kind of legislative accommodation, however, is not enough for those religious conservatives who support the Religious Liberty Protection Act. That bill, which sailed through the House and will probably pass as easily in the Senate, would establish a blanket rule that judges should exempt religious believers from laws that conflict with their faiths. This rule, as Notre Dame law professor Gerard Bradley has pointed out, does not, strictly speaking, concern religious freedom at all, not least because in principle it treats any strong belief as "religious." It is a grant of power to federal judges, who may at their discretion decide that an individual's autonomy trumps the political judgment of states and localities. Which is exactly what the judges did in *Roe* v. *Wade*. That is why legal liberals such as Barry Lynn of Americans United for Separation of Church and State support the law—and why conservatives should not.

■ As the U.S. government has been demonstrating for 75 years, ever since it initiated the police action that escalated into the War on Drugs, it's hard to stop transfers of goods from willing sellers to eager buyers. Hence drug warriors increasingly are shifting their focus to the proceeds of such transactions. The trouble is that "dirty" money looks very much like "clean" money, so seizing the profits of drug trafficking requires close surveillance of financial transfers. Already banks have to report large cash deposits, and anyone who tries to leave the country while carrying more than $10,000 risks losing the whole bundle if he fails to announce the fact. Now, under a regulation recently announced by the Treasury Department, all businesses that transmit money—including thousands of mom-and-pop operations throughout the country, as well as big companies such as Western Union and American Express—will have to register with the government by 2002. The next logical step is to require them to keep records of cash transfers for official inspection. The government claims that money laundering is the "Achilles heel" of the drug business. But at best, the crackdown will force traffickers to find other ways of enjoying their profits. Their inconvenience will be temporary, while the invasion of everyone else's privacy will be permanent.

■ The Americans with Disabilities Act has probably generated more weird lawsuits than any other piece of legislation in history, but this is one of the silliest: A disabled woman shopping for a new wheelchair recently sued a small business in Lake Worth, Fla., for failing to offer handicapped parking. The store, Action Mobility, sells and services wheelchairs, and the couple who own it are both disabled. "Nearly everybody who comes here is handicapped," Donna Batelaan told the Cox News Service. Her husband, in fact, is a consultant to other businesses that try to comply with ADA regulations. The Batelaans added special parking spaces in August to avoid a court battle, and now will likely have to pay the plaintiff's attorney several thousand dollars in legal fees. The disabilities act continues to cry out for reform.

■ In East Timor, gangs of armed men are running amok—the very word comes from that part of the world. The Indonesian military arms and incites these gangsters, and has been doing so since 1975, when Indonesia forcibly took over the country from the departing Portuguese. When the local people claimed a right to independence, the Indonesian army and its surrogates rounded on them. Over the years, 200,000 are estimated to have died, in a population of 800,000. B. J. Habibie, the Indonesian president, recently offered a referendum with a choice between inde-

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pendence and autonomy. The East Timorese chose independence—an outcome the Indonesian military is manifestly unwilling to accept. Civil war looms, and massacre. As a Portuguese colony, East Timor was sleepy, but at least there was nobody to burn out the bishop's house, to hack bystanders to death with machetes and stick severed heads on posts. European colonialism used to be considered some ultimate wickedness, but at times it appears like benevolence itself.

■ Silvia Baraldini is the very model of a modern terrorist, an Italian who joined a group in the U.S. to destabilize society through terror. She was involved in, among other outrages, a robbery that left two policemen and a security guard dead. Caught, she was sentenced to 43 years. But she was a Communist. In a backroom deal, the Italian government under former Communist Massimo D'Alema has now negotiated her release. She flew in triumph from New York to Rome, to be greeted by Oliviero Diliberto, the minister of justice, and a jubilant crowd throwing flowers. She is supposed to stay in a Rome prison until 2008, but Diliberto and the government are happy that at least she can now be close to her mother. Armando Cossuta, the head of the Italian Communists, reported, "I hugged her with joy and intense emotion." As for Baraldini herself, she shows no remorse, saying, "I have never repented for what I have done in the past." Why isn't she just jobbed straight into the Ministry of Justice?

■ Ehud Barak came into office with a supercharged roar. He was the man who was going to fix Israel's historic quarrel with the Arabs, and by this autumn too. Deals with Yasser Arafat, deals with Hafez Assad, you want them, he has them. In sober fact, he has only put his seal on what his predecessor, Bibi Netanyahu, had already signed for. Last fall, Netanyahu agreed in principle to withdraw from the West Bank and to leave some 40 percent of it in Palestinian hands, only to stall in practice in the face of terrorist attacks. He also pressed for "final status" negotiations, which are to deal head-on with the issues of Jerusalem, the return of refugees, settlements, water, and so on. Here is the grand old bazaar technique of selling the same carpet twice. The Arabs do not quite know what to make of it, and have coined a word: Barakyahu. The deal was forged to begin with because U.S. administrations always find it easier to bully Israel into concessions than to irritate Yasser Arafat. The deal recently reaffirmed in Egypt may be an unwise one for Israel, but it is certainly—media hosannas notwithstanding—not a new one.

■ The Canadian town of Moncton, New Brunswick, enjoyed its 15 minutes of fame. Leaders from more than 50 countries met there as members of La Francophonie, a club that supports the speaking of French. Its greater motivation is to attack English, today's almost-universal language. As French president Jacques Chirac explained, La Francophonie wishes "to avert the risk of a world in which one speaks, thinks, and creates in a single mold." The trouble is that hardly 100 million people use French regularly, and some who have had French as a second language are dropping out, as in Southeast Asia and Arab Africa. Chirac therefore welcomed at Moncton leaders from Burundi, Burkina Faso, Congo, and Rwanda—a group of associates likely to murder the French language, and a lot of people in the bargain.

■ On the Saturday before Labor Day, the race-baiting, anti-Semitic, separatist Khallid Muhammad exercised his constitutional right to hold a hate rally, which he dubbed the Million Youth March. Gratifyingly, most of Harlem exercised its constitutional right to stay away. The event, which drew upwards of 6,000 people in 1998, attracted only about 1,000 this year. The absent 5,000 did not miss much. On the one hand, Muhammad told the group to stay in school, avoid drugs, and use less hair gel. On the other hand, he claimed that AIDS, asthma, and cancer are government plots; proposed to arm black militias; and delivered a lengthy riff on the historical and present-day crimes of "the so-called Jew." "You can't stop me from saying the white man is the devil," thundered Muhammad. "That's my religion." As his audience diminishes, one hopes that, for him, piety is its own reward.

■ Conservatives rather overdo their flaying of the *New York Times*, but sometimes we have no choice. On September 4, the *Times* ran on its op-ed page a piece by Markus Wolf—for more than three, horrible decades the head of the East German spy service. It is bad enough to provide a forum to so wicked a man, who protected and advanced so wicked a cause. But what Wolf actually said is even more revolting. Arguing that ex-spy chiefs can make respectable heads of state, Wolf cited George Bush, Yitzhak Shamir, and . . . Yuri Andropov, "a highly cultivated man of open political views and great esprit." Andropov, recall, was the man on the spot who pushed for the crushing of Budapest in 1956. When he became Soviet premier in the 1982, the man with the "open political views" cracked down ferociously on dissidents, believing that his predecessor, Leonid Brezhnev, had been too soft. We are assured, however, that he worked with "great esprit." We do not recall whether the *Times* ever published Beria—or Andropov himself—but, given what it did on September 4, it might as well have.

■ This month, Peter Singer starts his new job as professor of bioethics at Princeton. Singer is quoted in *The New Yorker*: "The notion that human life is sacred just because it's human life is medieval." This sentiment would, of course, be morally abhorrent even to pre-medieval figures like Moses and Jesus. But the statement is also distressingly shallow on an intellectual level. To characterize a view as "medieval" is to attribute it to those who lived at a certain time; it does not even begin to address the truth or falsity of the view. To

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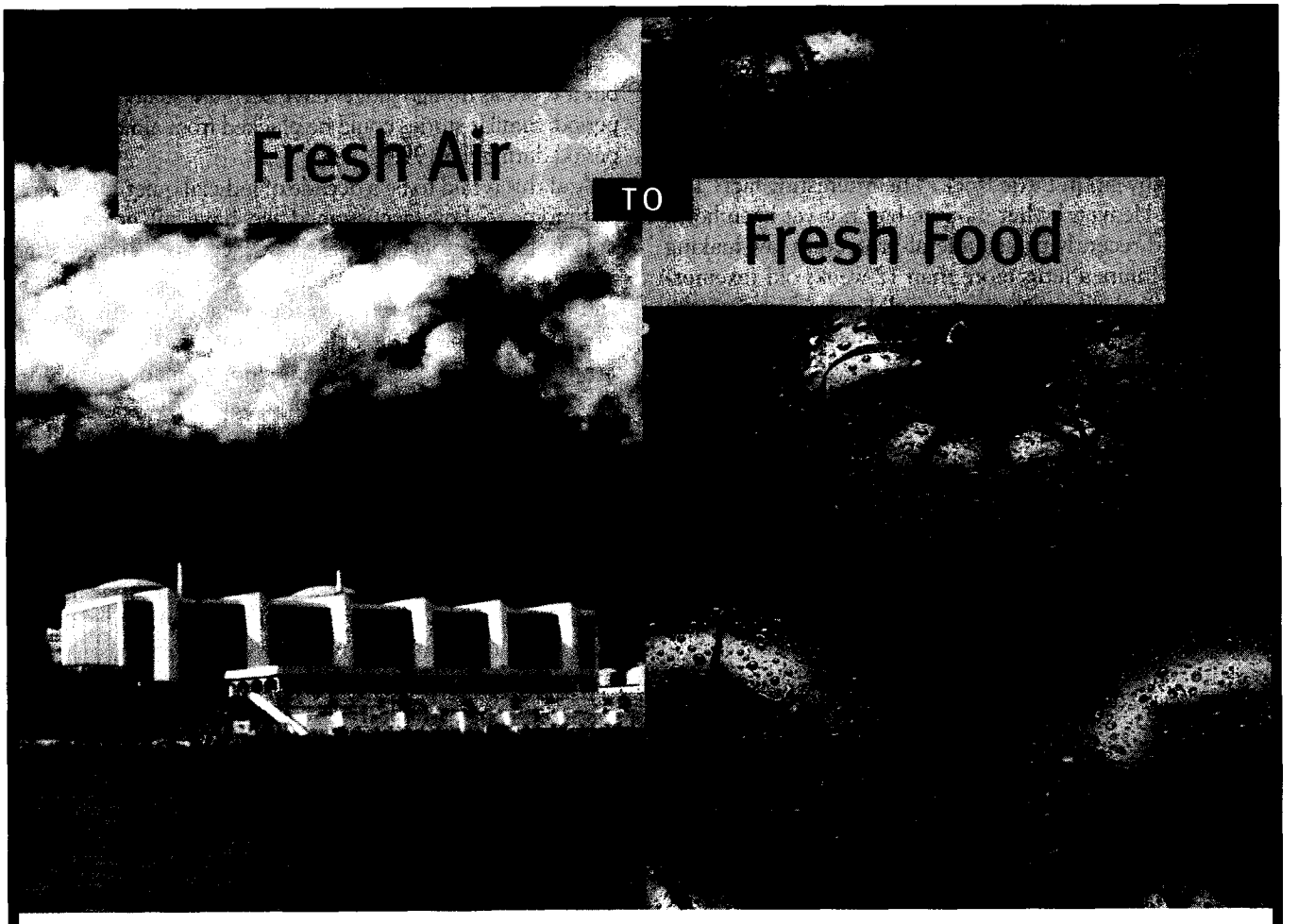

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Singer's backers at Princeton, however, this solecism must pass for philosophical argument.

■ Four men are being charged with capital murder in the killing of a baby girl in Little Rock. The interesting fact? The baby, named Heaven by her mother, had not yet been born. Arkansas had recently passed a fetal-protection law making it a crime to injure a fetus more than 12 weeks old (exempting abortions); the murder charges will be the first time the new law is put into action. It is now Congress's turn to follow suit. Rep. Lindsey Graham (R., S.C.) has introduced the "Unborn Victims of Violence Act" to punish the killing of fetuses in the course of crimes covered by federal law. Likely to reach the House floor sometime in October, the bill has already been decried by those who worry that protecting fetuses anywhere threatens the legitimacy of abortion everywhere. And, of course, they are right.

■ Alan Keyes won Alabama's first-ever Republican presidential straw poll. In other words, when Republicans in the state, the very heart of the Confederacy, had a chance to decide who should be the first president of the 21st century, they chose a black man. Students of American society, take note.

■ Allen Funt, host of TV's *Candid Camera*, has died at 84. He will be remembered fondly, because he represented a more innocent age in our nation's history. His show aired in various incarnations from 1948 to 1990—four decades during which Americans had the decency to be embarrassed when they were caught red-handed doing something unseemly. Two years after the program was retired, the Age of Clinton began. R.I.P., Mr. Funt, and your America.

■ NATIONAL REVIEW is in search of an executive secretary. Those interested should apply to Kathryn Lopez at 215 Lexington Ave., 4th floor, NYC, N.Y. 10016. They may also e-mail her at lopezk@nationalreview.com or fax her at (212) 849-2835.

THE LAW

Judge Not

A FEDERAL judge shuts down Cleveland's school-choice program on the day before classes begin, threatening the education of thousands of children—and then, three days later, reverses himself, as arbitrarily as before. The Arizona supreme court contrives to undermine the state's own laws by sending a minor to Kansas to get a late-term abortion. The New Jersey supreme court instructs the Boy Scouts to admit open homosexuals, and everyone else to stop regarding their conduct as immoral. School boards across the nation look to the Supreme Court in Washington to see what their teachers should say about the origins of life.

These stories all come from the newspapers of recent weeks, but it is not as though judges have been unusually active in this period. Similar stories could be plucked from almost any other period during the 1990s.

And this is said to be a decade of judicial quietude, which is testimony to how accustomed we have all grown to the notion that the courts may exercise a veto power over almost any major policy—or even set policies for schools, prisons, and other institutions. It is in this decade that the Supreme Court has implied that objective morality—in the Court's words, "a moral code that transcends human invention"—cannot be the basis of legislation (*Romer* v. *Evans*). It is in this decade that the Court has claimed to "speak before all others" for our constitutional ideals and suggested that it is better to stand by unconstitutional Court decisions than to undermine the Court's legitimacy (*Casey* v. *Planned Parenthood*). Two years ago, the Court ruled that it would allow states to ban euthanasia, but reserved the right to change its mind (*Washington* v. *Glucksberg*). Over the last three years, courts have struck down 19 state bans on partial-birth abortion on the grounds that they were vague: The judges insist that this horrifying procedure cannot be defined, even though a medical-school textbook was able to teach it. Just this year, every public school in the country was exposed to the risk of ruinous lawsuits involving "sexual harassment" by children because the Court so decreed (*Davis* v. *Monroe County Board of Education*).

It is true, however, that things could be worse. A Supreme Court appointment or two by Al Gore or Bill Bradley could undo some recent conservative advances, consolidate liberal precedents, and doom ideas such as school choice for a generation. The federal appeals courts, one level below the Supreme Court, are roughly divided between judicial liberals and judicial conservatives. But Bill Clinton's nominees are now mostly replacing Ronald Reagan's rather than Jimmy Carter's. In at least four of the twelve circuits, one more Clinton appointee would tip the balance.

Fifty Clinton nominations to the federal bench are pending in the Senate, and Democrats have been complaining that Republicans are imposing roadblocks. In fact, under Judiciary Committee chairman Orrin Hatch, Republicans have been remarkably accommodating: Clinton has appointed as many judges as Reagan, even though the Senate has been in opposition hands for longer during Clinton's tenure. (This is partly because the total number of judges has increased slightly.) The vacancy rate on the federal bench is about what it was under Reagan and Bush, and not a single Clinton nominee has been voted down.

When conservatives have complained that Hatch's committee is rubber-stamping Clinton's nominees, his main response has been that it is hard to tell which nominees would become judicial imperialists, since all of them pledge their fidelity to the law when they testify. In fact, several nominees had demonstrated clear propensities to impose their own favored policies from the bench before they were nominated. In any event, no detailed investigation of individual nominees is really neces-

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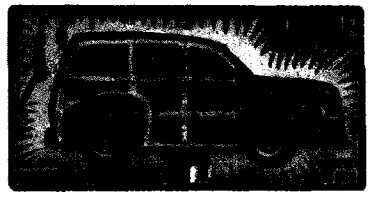

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sary. The Clinton administration has publicly announced a litmus test: Clinton pledged in 1992 not to appoint anyone failing to support *Roe* v. *Wade*. Thus *every* Clinton nominee to the bench has said or done something to satisfy the administration that he will defy the Constitution when necessary to advance liberal goals. Why should Republican senators—or any legislator who believes in the rule of law—vote to confirm such nominees?

Roe v. *Wade* is the very symbol and exemplification of judicial lawlessness. One need not oppose abortion, as we do, to understand *Roe* as a grotesque judicial usurpation of the authority of the people to govern themselves. Indeed, there are notable supporters of abortion who nonetheless see *Roe* for the atrocity against democracy that it is. Lawyers who pass a Clinton litmus test have by word or deed, wink or nod, pledged themselves to lawlessness. They have no business expounding the law. *None* of them should be confirmed.

In 1996, when Bob Dole attacked Clinton appointee Harold Baer's ruling that fleeing from police officers was reasonable and not suspicious behavior, the president deflected the criticism by noting that Dole had voted to confirm Baer. Clinton suggested, in other words, that a vote to confirm is not just an act of deference to the president's choice but an endorsement of it. He thus in a stroke eliminated the traditional argument for senatorial deference. The Senate should block every single one of Clinton's nominees. In doing so, the senators will be withholding their consent from a new Constitution of liberals' devising—and staying true to their oaths to the old one.

CAMPAIGN 2000

The Spoiler

It is not surprising that Patrick J. Buchanan should be considering a departure from the Republican party to seek the Reform party's presidential nomination. It is a greener pasture for him. Buchanan's peak performance in the GOP came in 1992, when he won 37 percent of the vote in New Hampshire. The votes have been getting scarcer ever since. The more Buchanan emphasizes the anti-capitalist aspects of his campaign—the protectionism, the corporation-bashing—the less Republicans like it.

Buchanan took from his mentor Richard Nixon the lesson that a socially conservative, statist politics can woo working-class Democrats and independent voters. Why any conservative should want to recreate the Nixon coalition is not obvious: Nixon governed from the left over the protests of a captive Right. But it is in any case impossible to form that coalition in an America where stockowners now outnumber trade-unionists by 4 to 1. The Democrats and independents Buchanan thinks he can attract have never materialized in sufficient numbers to make up for the Republicans he alienates.

If Buchanan's coalition could be built, however, its first act would be to eject Pat Buchanan. It would be more interested, after all, in raging against foreigners' stealing American jobs than in applying Christian moral precepts; more interested in excuses than accountability; more populist than conservative. The dispossessed voters who flock to the Reform party are more secular than average. If Buchanan talks about abortion, they will tune him out.

If he does not, he will lose his base. It has been his moral views and his steadfastness that have lent him political strength. He has said in the past that he would leave the Republican party if it "became a Clinton pro-choice party." But since the Reform party *is* pro-choice—and since his running in a general election would help a pro-abortion Democratic party retain the White House and expand its control of the judiciary—Buchanan would be tarnishing his reputation by joining it.

If Buchanan was willing to stick with Nixon through wage and price controls and Harry Blackmun's appointment to the Supreme Court, what makes the current frontrunner, George W. Bush, so unacceptable? It *does* make a difference whether Republicans or Democrats control the White House; almost any Republican would improve policy on taxes, judicial appointments, defense, and a hundred other things. If he leaves the Republican party, Buchanan will be inviting conservatives, and especially Christian conservatives, to commit political suicide. We doubt that many of them will.

WACO

A Nasty Mess

The FBI has admitted that it fired incendiary tear-gas shells into the Branch Davidian compound at Waco, after six years of denying that it did any such thing. It still maintains that the shells were fired well before the final fatal blaze, which the evidence suggests was set by the victims themselves. Janet Reno has ordered an investigation. Her previous investigation of Waco was a whitewash.

But at the time, Reno announced that she would take full

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In Moscow, the mob is the milk maid;
The Bank of New York is the pail.
The I.M.F. stoically stands there
As cash cows will, twitching its tail.
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Attempt to kick over the stool.
The Mafia peers from Mercedes,
World-weary and udderly cool.

—W. H. von Dreele

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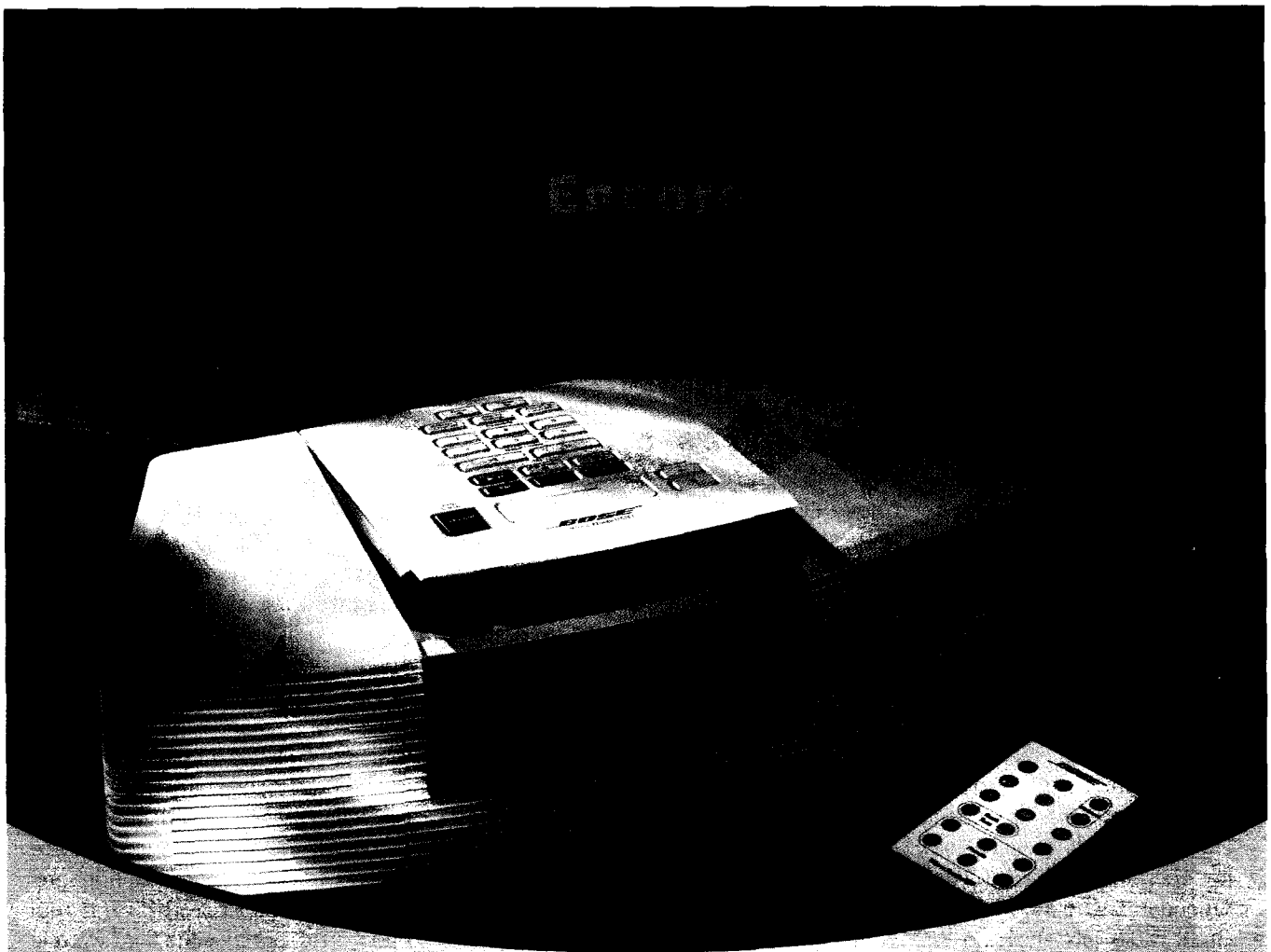

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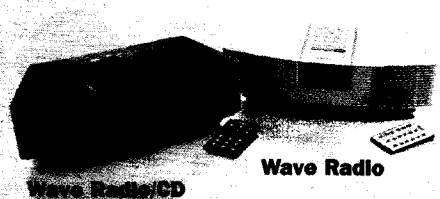

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responsibility for the debacle. This was bureaucratic sleight of word: No one lower down would have to take responsibility, because she had done so, but since she had no intention of resigning, she escaped it too. The latest revelation, however, requires us to hold her to account.

The government's handling of the Branch Davidians was marked by incompetence and ignorance. The Bureau of Alcohol, Tobacco and Firearms chose not to nab David Koresh on his visits into town, but to storm the Davidians in their citadel. When Koresh pleaded for time to finish a commentary on the Seven Seals (which are mentioned in the Book of Revelation), the FBI thought he was talking about sea creatures. Reno's obsession with child abuse, a theme of her tenure as state attorney in Miami, drove the besiegers on.

The years-long obfuscation about what was done—eerily parallel to other instances of Clinton-era stonewalling at the Justice Department—makes the situation worse. Officers of the law err, because they are human. But when they lie, they betray their trust. Most Americans naturally, and rightly, give cops the benefit of the doubt, especially in crisis standoffs with separatist cults. In every case, however, we are entitled to an accurate postmortem. When we don't get it, the foundations of order are corroded.

Janet Reno has presided over years of bungles and lies. It is grotesque that she should continue to occupy a position of authority.

■ NOTES & ASIDES ■

■ Dear Mr. Buckley: You need not get software to find a third *-gry* word for Mary Wiltrakis (Aug. 9), simply because there is no third word. I quote master logologist Dr. Richard Lederer's wonderfully entertaining book, *Word Circus* (Merriman-Webster, 1998):

"The greatest service the *Word Circus* staff can perform is to announce that the *-gry* question is a time-wasting linguistic hoax. This poser first slithered onto the American scene in 1975 on the Bob Grant radio talk show on WMCA in New York City. Word mavens have tried to bury *-gry*, but it keeps rising, like some angry, hungry monstrosity from *Tales from the Crypt*."

Dr. Lederer goes on to list the obsolete and archaic words *augry*, *begry*, *anhungry*, *aggry*, *puggry*, and *gry*, but asserts that, angry and hungry aside, there are no common words ending in *-gry*.

Sincerely,
Lawrence P. O'Neil
Montgomery Village, Md.

Dear Mr. Buckley: *Webster's Third New International Dictionary* lists "ag-gry bead *also* ag-gri bead, *noun*, a variegated glass bead found buried in the earth in Ghana and in England."

Sincerely,
J. Walter Lynch
Athens, Ga.

Dear Mr. Buckley: My *Webster's*, 2nd edition, lists "aagry, *adj.*, a blue bead of West African origin."

Ya don't need no compoota.

Ciao,
R. B. Crean
Boone, N.C.

Dear Mr. Buckley: Concerning words which end in *-gry* and how to find them: Doubtless you have been swamped with responses on the subject, but I am going to answer anyway.

The "Dictionary & Thesaurus" of the Franklin MWD-440 Bookman handheld spell checker provides a search engine to find words ending in *-gry*.

Use "*gry." The "*" permits the search for any set of letters, including none. However, this seems to overwhelm the spell checker. It works well to search one letter at a time—use "a*gry," then "b*gry," and so on.

My search turned up only two words, *angry* and *hungry*.

This spell checker is said to contain 274,000 definitions and 496,000 synonyms—all of them from *Merriman-Webster*—admittedly not a complete dictionary.

Perhaps I can say that there are no further occurrences of words ending in *-gry* in common usage.

Sincerely yours,
George Opdycke
Bryan, Ohio

Dear Mr. Buckley: This little puzzle has been going around for several years. The question is best expressed verbally: "Angry and hungry are two words that end in *-gry*. There are three words in the English language. What is the third word?" The answer is "language." The trick is that the question contains a set of implied quotation marks, and would be written: "Angry and hungry are two words that end in *-gry*. There are three words in 'the English language.' What is the third word?" The real question is: "What is the third word in the phrase 'the English language'?"

John A. Murphy
San Antonio, Tex.

Dear Mr. Buckley: This is a trick question. It must be spoken rather than written. Your interlocutor asks you, "Can you think of any word besides *hungry* and *angry* that ends in *-g* or *-y*?" Thinking he said *-gry*, you are perplexed and end up writing a letter to the nation's leading language maven at NATIONAL REVIEW.

Sincerely,
Gloria Johanns
Naperville, Ill.

Ladies, gentlemen: Many thanks! And I shan't go one day more without getting a Franklin MWD-440.

Cordially,

—WFB

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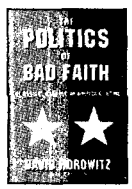

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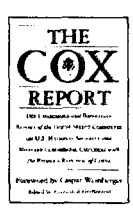

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■ WACO ■

The Dilemmas of a Disaster

How to think about Waco.

ELLIOTT ABRAMS

THE Waco affair lies on a fault line for conservatives: They are law-and-order types; yet they mistrust excessive government power. Since the assault in 1993, most conservatives have stuck with the feds against the agglomeration of conspiracy theorists, tort lawyers, and plain fanatics who have popped up to make bizarre claims.

It may turn out, as government officials have always insisted, that some of the Davidians set their own structures on fire. Yet we have already learned enough in recent days to know that, whatever forthcoming investigations conclude, conservatives must rethink Waco. For the fundamental issue is *not* whether someone from the FBI fired a flammable tear-gas grenade rather than nonflammable grenades; that may be worth knowing, but it's minor. The key task should be to examine the state of mind of Justice Department, FBI, ATF, and local officials and review whether the assault on the compound was ultimately motivated by official efforts to destroy a sect the government found offensive. That is what earlier investigations suggested, yet no one—including conservatives generally—has ever acted on that evidence to force changes in the way federal agencies conduct themselves.

Why was it necessary to bring a gigantic force of FBI and ATF agents and Texas Rangers using—as we now know—matériel and advice from Delta Force and other elements of the U.S. military against 80 religious fanatics? A crime had been committed, yes—the killing of four ATF agents. They died in the initial effort to arrest the Davidians, which only raises again the question of why the government was so intent on that action. It appears that the Davidians' original crime

Janet Reno and Louis Freeh by Roman Genn

was the breaking of federal firearms laws, but that is hardly a full justification for the Waco siege. And it must surely have been evident that the number of Davidians responsible for that crime and the far more serious one of killing the ATF agents had to be small. Why then imperil the lives of so many to arrest a couple of others? Once the huge task force had been assembled, with its armored vehicles and high-tech equipment, did those in charge decide that victory at all costs was imperative, lest their agencies be embarrassed? Once again, the key is the state of mind of the officials calling the shots.

We have had hints of an answer regarding attorney general Janet Reno, whose minions have long said she was moved by the plight of the 21 children in the compound. Every one of them died in the assault. There is something eerie here, and well worth a further look, for Reno built her law-enforcement career on bizarre and specious claims about protecting children. Serving as a state's attorney in Florida, she pressed some of the nation's earliest prosecutions of child-care professionals whose accusers were heavily coached children in the hands of energetic prosecutors out to make names for themselves. In state after state such prosecutions have now been reversed, in part through the extraordinary journalistic efforts of the *Wall Street Journal*'s Dorothy Rabinowitz. What was Reno's state of mind about the children at Waco, and did it lead her to allow terrible abuses of power?

For conservatives, Waco is in large part a *quis custodiet* problem: Who guards the guardians? Whatever faith we may wish to place in the professionals of the FBI, who guards them from error? Who looks over their shoulder? Who punishes their abuses? This is a problem only in practice, not in theory. In theory, the answer is easy: the professionals of the Department of Justice. Distinguished practitioners of the law who are presidentially appointed to the department work together with Justice's career staff to provide a check on the FBI and other federal law-enforcement agencies. This is critical, because the balance between energetic law enforcement and limits on excessive government power will not be maintained if the Justice Department does not seek vigorously to maintain it.

In the Clinton administration, however, this has never worked. The president has left key jobs such as assistant attorney general for the criminal division vacant for long periods, and Reno was herself chosen because the president insisted on a woman and his earlier selections could not be confirmed. Worse yet, the Clinton Justice Department has been far more politicized than any in recent memory, and its handling of the administration's scandals has been itself scandalous. It is worth remembering the event that led to the first real break between Janet Reno and FBI director Louis Freeh: his recommendation that an independent counsel be appointed to investigate Clinton campaign-finance abuses, and her rejection of that advice. It is also worth remembering that the first associate attorney general who served under Reno, Webster Hubbell, arguably the most powerful person in the department in the early years, which included the Waco siege, was later convicted of various crimes and sent to prison.

Mr. Abrams, an NR contributing editor, is president of the Ethics and Public Policy Center.

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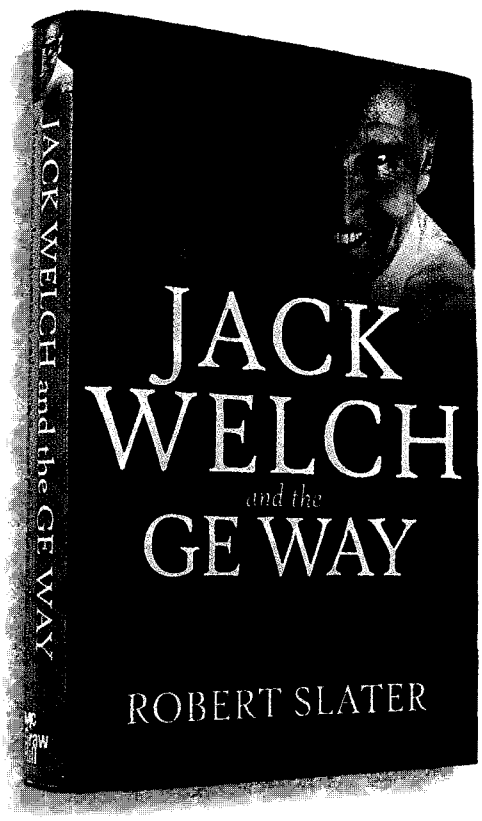

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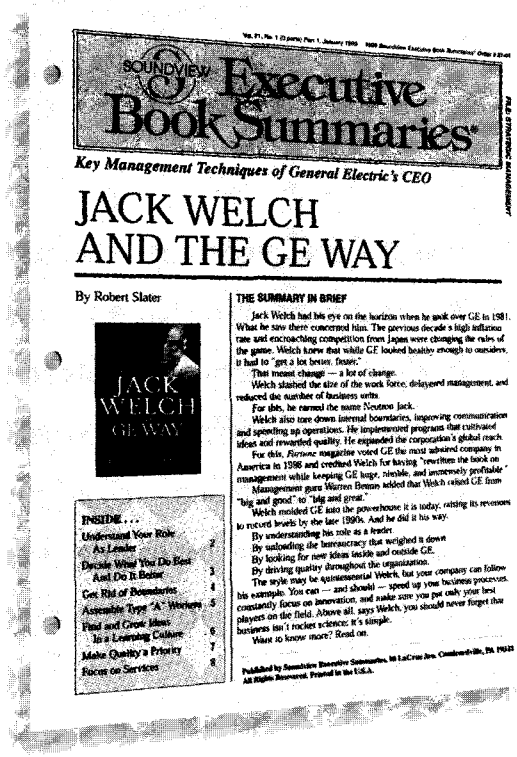
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Want to know more? Read on.

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Quis custodiet, then? The department's own perfunctory investigation of Waco quickly vindicated its handling of the affair. Alan Stone, a psychiatrist who teaches at Harvard Law School and served on that panel, wrote a dissent at the time and has now repeated to *The Economist* that "the Justice Department never had a proper investigation of what happened at Waco." In his dissent, Stone questioned the use of tear gas when there were so many children in the compound.

Back then, Reno was much admired for taking full responsibility for Waco, but with the benefit of time we can see that was meaningless. She always "takes full responsibility" but never accepts any blame—not for Waco, not for the decline of the Justice Department on her watch, not for allowing the department to become an appendage of the Clinton scandal-defense team. It is critical that any new investigation go beyond asking what type of tear-gas grenade was used, to ask what kind of Justice Department agreed to the apparent military role at Waco, agreed to an assault on a compound where dozens of innocent people (many of them women and children who were not suspected of any criminal acts) were at risk, and then failed to hold a serious inquiry into what took place. Open congressional hearings will be far more useful in addressing these issues than a new inquiry by some retired senator that will proceed in secrecy for months or years.

Congressional investigators might also ask what officials thought of the Davidians. The earlier probes suggested that FBI and other officials regarded them merely as nut cases, not as religiously motivated individuals. We may take a dim view of sects such as the Davidians, but we should take a far dimmer view of allowing the government to decide what is a dangerous sect and what is a respectable religion. In many countries today, government officials hobble evangelical groups because they do not wish to permit "sects" and "cults." It was a direct intention of the First Amendment to get the federal government out of the business of evaluating religious groups, and if such an evaluation was part of the action at Waco, this would be yet another dangerous abuse.

So this affair must reclaim the attention of conservatives. There are additional details to be unearthed. Far more important, though, will be a careful re-examination of the thinking of those in charge. When federal law-enforcement agencies launch an attack that kills 80 Americans, including 21 children, we must study again what went wrong and why the officials in charge decided that this religious sect constituted such a grave threat that the government had to act against it. **NR**

■ WACO II ■

The Awful Truth

What we already know is bad enough.

KATE O'BEIRNE

THE FBI has returned Washington's attention to Waco by admitting that it used incendiary military devices during its raid on the Branch Davidians. There have been calls for special committees to conduct new investigations into the "cover-up," and conspiracy theorists are enjoying a new respectability. But the charge of a cover-up risks masking the truly important issues raised by the Waco tragedy.

Waco diverges from the usual course of government scandals: No cover-up could possibly be more egregious than the actual event, the botched assault that left 80 dead on April 19, 1993. Yet many of those now determined to assign blame for the missing FBI audiotapes have frustrated every other attempt to establish what went wrong. For six years, Janet Reno and her fellow Democrats in Congress have depicted all efforts to review the government's actions as dangerous attempts to undermine law enforcement.

Two House subcommittees held hearings in 1995. On the opening day, Democrat John Conyers declared that there was nothing to warrant the scheduled eight days of hearings. Another Democrat, Tom Lantos—who had presided over no fewer than 27 hearings on a now-forgotten HUD scandal—raised questions only about the gun lobby's interest in the hearings. Other Democrats cared about nothing but allegations that Branch Davidian leader David Koresh had committed child abuse.

For its part, the administration made a show of cooperation, but tried to impede the committees' access to relevant material. Thousands of documents were not made available until the hearings began. The Department of Treasury delivered documents in no apparent order, and provided an index only to the committees' Democrats.

Even so, the committees were able to answer many questions. They found that the FBI did not fire on the compound during the assault, and that military personnel did not take an active role in the operation, which would have been improper. They concluded that the evidence indicated that the Branch Davidians had themselves started the fires that destroyed their compound. Finally, their report assigned responsibility to Janet Reno and recommended that she step down.

The new evidence that has come from the FBI does not appear to contradict the committees' conclusions about the origin of the fires. It could be that some official, years ago, figured that this evidence was irrelevant to the congressional inquiry and ought to be withheld. If so, that was a misjudgment. But it should not distract attention from the arrogant and amateurish behavior of the agents directly involved in the deadliest federal law-enforcement action in history.

The mistakes began with the Bureau of Alcohol, Tobacco and Firearms. The 51-day FBI siege of the Branch Davidian compound followed the killing of four ATF agents who were attempting to serve warrants on the occupants. The committees found that the ATF could have avoided the killings: The agents in charge "recklessly proceeded" with the raid even though they knew they would encounter armed resistance.

The committees further concluded that the ATF's entire investigation of Koresh and his followers for possible violations of federal gun laws was

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"grossly incompetent." It is clear that the ATF wanted to mount a large-scale military raid (dubbed "Showtime"), with Koresh as the target. The ATF sought special training in close-combat fighting from Army special forces two months before the bureau had probable cause for a warrant and before its undercover investigation had even begun. The agency rejected an offer by Koresh to permit an inspection of his compound.

The arrest warrant could have been served on Koresh when he left the compound, but ATF agents mistakenly believed that he rarely ventured out: The agents maintaining 24-hour surveillance from a house across the street didn't know what he looked like. The affidavits filed in support of the arrest and search warrants were riddled with false statements, outdated facts, and inflammatory, unsubstantiated charges of child abuse, which were outside the jurisdiction of the ATF anyway.

When over 70 ATF agents, in commando gear complete with ski masks, arrived at the compound to execute their "dynamic entry," the Davidians fired on them. The ATF had been expected. The agency had notified the media that something was to happen that weekend, and a TV cameraman in need of directions sought the assistance of a local who happened to be a Koresh in-law. He headed straight to the compound. The agents in charge dismissed an ATF undercover agent's warning that Koresh knew of the raid.

Nobody at the ATF has been held accountable for these gross errors in judgment and subsequent lies during a criminal investigation. Two senior raid commanders were fired following an internal investigation, but they were rehired two months later, with back pay and attorneys' fees, after complaining through the civil-service system. Suspicions linger that they were rehired, in nonsupervisory roles, to prevent them from making embarrassing disclosures about the agency.

Congress investigated the FBI's actions, too. The committees found that the FBI had failed to appreciate that the pressure on the Davidians bonded them all the more closely and reinforced Koresh's apocalyptic vision of their fate. While FBI negotiators held out hope that a peaceful resolution was possible, the agents became increasingly frustrated with the delays. One FBI behavioral-science expert counseled patience in a series of memos to headquarters, until he learned that his superiors weren't pleased with the tone of his advice: They felt it was "tying their hands."

The FBI agent in charge at Waco testified that the reason the feds eventually turned off the electricity in the compound was that cold and wet FBI personnel resented the presumed comforts of the Davidians. The agents' testimony indicated that the decision to mount the tear-gas assault was the result of their weariness and frustration—they were tired and ticked. Every reason the FBI gave as necessitating the siege dissolved on close inspection. There was no evidence that Koresh was planning a violent breakout; the hostage-rescue team didn't have to stand down for training for another two weeks; other law-enforcement personnel could have relieved them and guarded the perimeter; and there was no evidence that children in the compound were in immediate jeopardy.

The initial assault (Plan A), involving the "slow and incremental" injection of tear gas by tanks into the compound, was undertaken at 6:02 in the morning. When this "non-assault" was met with gunfire, Plan B went into effect at 6:07. Over the next six hours, tear gas was inserted into every portion of the compound, while the buildings were dismantled. There was no Plan C.

Given all this evidence, there is no need to set up a special committee to investigate anew. Congress ought to be able to use its routine oversight authority to assign responsibility for the FBI's withholding of evidence (and to resolve conflicting evidence about the possible involvement of military personnel). An independent Justice Department inquiry would only slow Congress down.

We already know the basic story of Waco, including many of its key details. And that story makes unmistakable what the real scandal is: that Janet Reno, who presided over the whole debacle and has never seriously investigated it or held anyone to account for it, remains the top law-enforcement official in the country. **NR**

■ THE BALKANS ■

Keeping Kosovo

The costs of liberal imperialism.

FAREED ZAKARIA

REMEMBER Kosovo? That war has disappeared from television screens with remarkable speed. In fact, Americans seemed to lose interest in this high-tech war even before it had drawn to a formal close—truly a virtual victory. In Europe, the social-democratic parties got no electoral bounce out of it in the recent European Union elections. Most people in the West saw Kosovo as a good cause (which it was) and were willing to help put things right, but now want to "move on," as a certain Western leader would say. This is Kosovo, after all—not Germany or Japan.

But that is not how wars work. Kosovo and its surroundings have become our problem—and will be so for decades and decades to come. Military interventions are not one-shot deals, particularly if you win. After we had launched the war, winning was important. (Consider the alternative.) There may be no substitute for victory, but victory is no substitute for strategy. Our political goals in the Balkans remain confused and contradictory. The cruise missiles have done their work. It is time for the Clinton administration to follow suit.

Have we achieved our war aims? That depends on what our aims were. If the purpose of our intervention was to avert a humanitarian crisis in Kosovo, in fact we exacerbated it. In the year before the bombing, 2,500 people (mostly KLA partisans and Serb soldiers) died in Kosovo; in the eleven weeks after the bombing began, 10,000 people (most of them Albanian civilians) were killed. At the start of the war, 230,000 Kosovars were

Mr. Zakaria is managing editor of *Foreign Affairs*.

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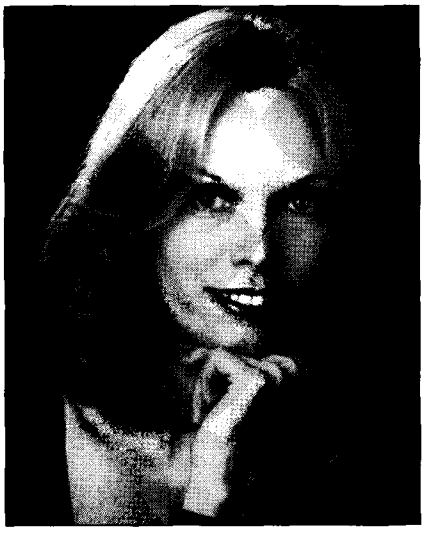

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estimated to have been displaced; by its end, 1.4 million Albanians had been displaced, 860,000 of them outside Kosovo. Most of the latter have returned, but now over 150,000 Serbs have fled the province. Kosovo has been physically laid to waste; without international aid, mass starvation would soon set in. Yugoslavia itself is estimated by the European Union to have been bombed back 50 years. It will take decades—and over $50 billion—to rebuild the civilian infrastructure of that country when Milosevic exits the stage. For a war waged with humanitarian intentions, these are troubling consequences.

If the purpose of the war was to bring political stability to the Balkans, the results are even more unsettling. Yugoslavia has been turned into a Third World country, which will probably mean that the next wave of refugees into Western Europe will be impoverished Serbs fleeing a desperate land. Kosovo has been liberated from Yugoslavia, but has not been granted independence, which is what 90 percent of Kosovars sorely want. Thus NATO is now the primary obstacle to the fulfillment of Kosovar popular aspirations—an odd role for an alliance that has made the promotion of democracy one of its new goals.

Finally, if the purpose of the war was to affirm the concept of ethnic harmony, that is now also in ruins. The NATO occupation has coincided with a wave of reverse ethnic cleansing so that soon Kosovo will be Serb-free. An emboldened Montenegro is likely to declare independence from Yugoslavia. Macedonia, reeling under the war's impact, is sensing new tensions with its Albanian minority. Albania itself is quietly encouraging the Kosovars to join with it and, after attracting the Albanians in Macedonia, to create a greater Albania. This last outcome is unlikely, but all these trends are hardly conducive to religious harmony and regional stability.

NATO is now a colonial power in the Balkans—inheritor of the Ottoman and Habsburg roles there. It will have to grapple with the problems of being an outsider in an area that has been consumed by virulent nationalism for years. Of course, NATO does not see itself as a colonial power; it sees itself as an enlightened trustee, helping Kosovo along until it can become a "functioning and viable member of the community of nations." These words do not come from Secretary of State Madeleine Albright, in reference to Kosovo, 1999; they come from U.N. Ambassador Albright, in reference to Somalia, 1993. No doubt one could find similar phrases about Haiti, Bosnia, and Cambodia.

The mission we have undertaken in the Balkans can best be described as liberal imperialism—the use of our enormous power to civilize some region of the world. It was tried, and referred to as such, by Great Britain in the last decades of the 19th century and the first decades of the 20th. Britain won spectacular victories in places like Omdurman, conquering the Sudan with 500 casualties —compared with 20,000 on the other side. Men like Colonial Secretary Joseph Chamberlain urged the extension of the British Empire wherever it could bring order. In many ways, it worked; much of what was once the British Empire is remarkably peaceful and democratic. But it cannot work today.

The case against liberal imperialism now is not that the United States is a bully, that it will choose the wrong side, that it will mess things up, that it has no moral right to impose its will on others. We are a genuinely benign superpower—probably the first and last such power. (Why else would we have gone to war for the Kosovars?) No, the case against liberal imperialism is that we live in an age of nationalism, and no external power, however well-intentioned, can reshape foreign lands without a massive commitment of power and resources. Washington will be able to occupy these lands fairly cheaply—as it has in Bosnia and Kosovo—but the moment the occupation ends, the problems that led to that intervention will resume. Absent an occupying force, Bosnia would split into three separate, ethnically uniform states, and the civil war between Serbs and Kosovars would begin anew. Alternatively, as in Haiti and Somalia, we could leave and wash our hands of the situation. But if we peek back at what is going on in those countries, we see that things have returned to their unhappy norm. Little is gained by half-hearted attempts at nation-building and democratization.

This might actually make the case for more, rather than less, involvement. If Colonialism Lite doesn't work, why not try the real thing? Trouble is, there's nothing in it for the colonizer. Colonization requires that states undertake enormous international missions purely as acts of altruism, which is not a sustainable basis of international relations. It is awkward to point this out, but the implicit bargain of liberal imperialism went like this: The British (or, to a lesser extent, the French, who were not particularly liberal in their aims) would stabilize some region of the world, in return for which they would plunder its natural resources. That's not really possible today. It would be politically incorrect. But without such rewards, the United States will not make sustained commitments to bring peace, democracy, and civilization in areas where it has marginal interests, and neither will any other state. It will do something, quickly and cheaply, as Kosovo demonstrates. But not very much, and not for very long. As Kosovo will soon demonstrate. **NR**

■ CHINA ■

Crackdown Time

Why Beijing fears the Falun Gong.

JAY NORDLINGER

COULD these gentle and silent people, going about their morning exercises, be the scourge of the Chinese government? About 20 have gathered at a park in New York's Chinatown. They are practicing Falun Gong, a quasi-religion that blends traditional breathing techniques, mysticism, and ethical instruction. Most of them stand on mats, without shoes, executing very slow movements. They have their eyes closed. Many in the group are elderly. They seem in no position to convulse a major power; nor do they seem so disposed. But they and their like have the regime in Beijing trembling.

Falun Gong came to the world's notice on April 25. On that day, some-

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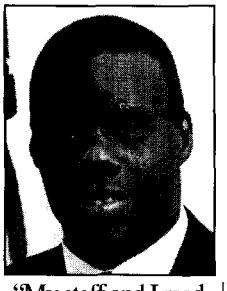

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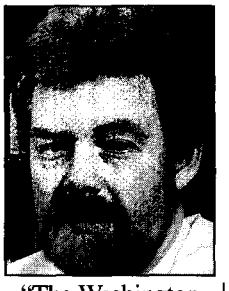

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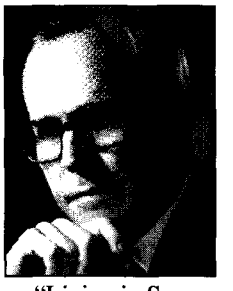

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thing strange and historic occurred in the Chinese capital: Ten thousand people, appearing out of nowhere, surrounded the Zhongnanhai, the former royal palace where the Communist leadership lives and works. This sort of thing simply never happens there. Ever. Martians might as well have descended, without the least warning.

The 10,000 did not shout or pump their fists or jostle. They just stood there, wordlessly. Some meditated. They did not look like the typical mass of demonstrators: Few among them were students, intellectuals, or activists of any kind; rather, they were housewives, retirees, government bureaucrats—ordinary folk. All they wanted was official recognition of their movement, Falun Gong. Without the blessing of the government, no group in China can long function before it encounters various forms of harassment.

Eventually, no less than the prime minister, Zhu Rongji, emerged to speak with the Falun Gongers. He was astonished to see among them a number of his fellow party officials. He did not give the people what they wanted, but he listened to them, and they dispersed as quietly as they had arrived. What they had done is stage the largest demonstration in Beijing since the Tiananmen Square massacre ten years before. And they had given the Communist regime an awful fright, whose repercussions are still being felt.

After April 25, the government went into a panic. As Robert Thurman, the renowned Buddhism scholar at Columbia University, says, Falun Gong had "scared the hell out of them." So the regime "went nuts," revealing its weakness and self-doubt for all the world to see. According to reports, President Jiang Zemin in particular is worried about Falun Gong, even obsessed with it. On the fateful day, he asked to be driven around the Zhongnanhai in his limousine, to stare at the throng through tinted windows. That night, seemingly in the grip of a spiritual crisis, he wrote to the Politburo: "I believe Marxism can triumph over Falun Gong." He mutters incessantly to Western envoys about the troublesome movement.

The regime quickly labeled Falun Gong a "massive threat." It charged that the Falun Gongers had tried to "overthrow the government"—a laughable claim to make against these dreamy and pacifistic meditators, but no light thing in the PRC. It rounded up thousands of the group and herded them into stadiums, where they were held in abhorrent conditions. It seized some 2 million Falun Gong books and instructional tapes, piling them up in public squares and shredding them or crushing them with bulldozers. It issued a warrant for the arrest of the movement's founder and leader, Li Hongzhi, who lives in Queens. It offered money on his head. When it sought the help of Interpol, the agency, quite properly, told it to get lost.

Above all, the regime was alarmed by the popularity of Falun Gong within its very bosom—the ranks of the Communist party and the People's Liberation Army. It arrested thousands of such people and sent them to reeducation camps, to confess seditious intentions and renounce their beliefs. Many Falun Gongers will soon be prosecuted and imprisoned, with life sentences. The government is doing all it can to nip the movement in the bud—but it is almost certainly too late: Falun Gong has blossomed all over China, and among Chinese throughout the world.

Li Hongzhi
by Jay Bevenour

Li Hongzhi seems an unlikely figure to haunt the sleep of Jiang Zemin. Described by nearly every interviewer as "baby-faced," he is by all evidence a peaceable man who wishes only to promote his theories and preside over his flock. The regime, pro forma, has denounced him as a CIA agent. It has even issued a series of comic books—*comic books*—designed to defame and discredit him. The first in the series is titled *Li Hongzhi: The Man and His Evil Deeds*. The books accuse Falun Gong of such crimes as "creating social terror."

Although his movement is huge and sprawling, Li denies that he has a formal organization or political agenda. He does so plausibly. He marvels that the regime should want to alienate his followers, who desire only to improve themselves and become healthier, happier, more productive members of society. What truly bothers Beijing, he contends, is that Falun Gong has more members than the Communist party. The party has about 60 million (in a nation of 1.2 billion), while Falun Gong boasts as many as 100 million. Whatever its numbers, it is by far the largest spiritual or ideological group in the country. Until the recent campaign against them, Falun Gongers could be found in almost every park and on almost every street corner. When the regime accused him of organizing the April 25 demonstration, Li answered, somewhat mischievously, "If it had been organized, there would not have been thousands of people out there; there would have been tens of millions!"

Harry Wu, the famed dissident, agrees that Beijing cannot swallow Falun Gong's numerical superiority to the Communists: "You would think that a one-party dictatorship could do better!" The regime is so feeble, says Wu, that "they do not want people organized for anything, for any purpose, no matter how benign." Say, continues Wu, that a Chinese person has an interest in matchboxes. He meets with a neighbor who also likes matchboxes. Then the two of them contact a collector in another town. And "that is when the government gets worried. Today, you are a matchbox organization. But tomorrow, you may turn your group to another purpose." This the government cannot tolerate. "The Falun Gong may say that they are not involved in politics," observes Wu, "but politics has come to them. And they will have to face the consequences."

As a body of thought and practice, Falun Gong would strike the average Westerner as outlandish. (Indeed, it

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might strike the average East Asian the same way.) It is a variant of *qi gong*, the ancient prescription for physical and mental fitness. Li has professed a belief in the presence of extraterrestrials among men. He claims to plant a wheel, or *falun*, in the abdomen of every follower, which, as a movement text has it, "rotates incessantly" and "collects energy," or *gong*, "from the cosmos." Li also encourages what might be summed up as good citizenship and warns against drinking and smoking. His leading principles are *zhen-shan-ren*, meaning "truthfulness, compassion, and forbearance." Beijing has given its stamp of approval to certain *qi gong* organizations, just as it has to a few toady churches; but Falun Gong, for its immense popularity, is anathema.

Justin Yu, a Chinese journalist working in New York, notes that Falun Gong "fills a vacuum that the Chinese Communists have left in people's hearts." Falun Gongers may appear harmless, but Yu recalls an old saying: "You see a rope and fear it is a snake." The regime has jumped frantically at the rope that is Falun Gong. And "if the wind blows," says Yu, "they imagine that a whole army is coming to destroy them. That is how paranoid and nervous they have become." Beijing has cracked down not only on Falun Gong, but on the Catholic Church and the Protestant "home churches" that lack official recognition. Anything that may excite interest or allegiance outside itself, the regime is working to obliterate. The government cracks down in order to avoid cracking up.

"The bottom line," says Robert Thurman, "is that the Chinese government is very fragile, in spite of all their claims to be powerful. China may be a police state, but it is a fragile one. The Communists feel that, since Tiananmen Square, the people are really tired of them." The party has "deprived the people of every other spiritual outlet" and "no longer has an audience that believes in the Communist myth." Whereas the Communists were once religious mobilizers of a kind—Marxism-Leninism being their creed—they are now nothing but empty materialists, threatened by any glint of a higher aspiration. Xiao Qiang, of the New York-based Human Rights in China, argues that the cam-

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paign against Falun Gong has shown the totality of the regime's opposition to its people: "They are suppressing the rights of everyone in China—not just the so-called dissidents who publicly advocate and agitate, but everyone."

Falun Gong was outlawed in China on July 22. Many of its adherents will languish in jail. But this is not the sort of thing that can be banished with the wave of a hand, or even a determined assault. Falun Gong will probably grow even stronger in coming months and years; persecution has been known to do that to a group. Amazing that these gentle breathers and meditators and stretchers and wheel-harborers in their stocking feet should cause so much upset inside the Zhongnanhai. But they have. And the regime acts as though a couple of more puffs will blow it down. **NR**

■ **POLITICS** ■

Rudy of the Right

The conservative case for Giuliani.

ERIC FETTMANN

In his five and a half years as mayor of New York, Rudy Giuliani has driven down crime, slashed welfare, pushed charter schools, and confronted labor unions. Most of the local newspaper columnists hate him, the New York Civil Liberties Union calls him a fascist, and Al Sharpton compares him to Hitler. Meanwhile, he may be the only thing standing between Hillary Clinton and a seat in the U.S. Senate.

And this guy has a problem with conservatives?

Well, yes. Some conservatives have never forgiven him for his decision in 1994 to cross party lines and endorse that quintessential liberal, Gov. Mario Cuomo, for reelection over the eventual Republican winner, George Pataki. And others, fearful of Giuliani's liberal positions on social issues (he's pro-choice, pro-gun control, favors gay rights, and opposes limitations on immigration), harbor suspicions that he's an Italian John Lindsay—a Democrat in Republican clothing.

Giuliani will never pass muster with the litmus-test crowd. But he is one of those politicians whose root beliefs and governing philosophy can't be measured simply by scoring him on the issues. Argues Myron Magnet, editor of *City Journal*, "Rudy Giuliani's core principles, which focus on public order and personal responsibility, are inherently conservative: that government exists to make people safe in their homes and on the streets, and that for every government benefit there is a concomitant personal responsibility."

Indeed, Giuliani's astounding success as mayor is rooted in one of conservatism's most important missions: exposing the fallacy of decades of liberal assumptions.

"New York has become probably America's most rigid city intellectually," Giuliani said in a recent speech to the Manhattan Institute, the think tank that is to him what the Heritage Foundation was to Ronald Reagan. "Up until the last four or five years, it was quite common to refer to the City of New York as unmanageable and ungovernable. And people would just shake their heads and agree." The danger, Giuliani noted, is that "if you can convince people that something is ungovernable, then [the mayor is] totally unaccountable, because people have no expectations. . . . And even if things get worse, then the answer is that things are ungovernable and unmanageable."

Giuliani refused to concede that any of the city's myriad problems—crime, the economy, schools, welfare—couldn't be solved. He therefore made specific commitments and demanded to be held accountable for them. That, he contends, "allowed us to think thoughts that were impossible for New Yorkers to really embrace in the past."

Which meant saying previously unsayable things about public order. Giuliani's initial police crackdown on squeegee men and other "quality of life" offenders was widely ridiculed—but it put into concrete action the arguments of such political thinkers as James Q. Wilson about society's vanished sense of outrage over increasingly deviant social behavior. Giuliani understood that squeegee men weren't the city's most dangerous lawbreakers; but he also understood that removing them from street corners would send a powerful signal about his intent to restore order.

Similarly, Giuliani became a fervent advocate of Wilson's symbolic "broken window" argument: that leaving one broken window unrepaired is a sign of community indifference and so inevitably leads to more broken windows and community decay. Going after quality-of-life offenders also yielded an important criminal-justice dividend, because those who commit such crimes more often than not have committed other, more serious crimes. That helped get recidivist criminals off the streets in record numbers and dropped crime rates to levels not seen since the 1960s. It also recognized that public spaces belong to the public and not merely to the deviant and disturbed.

Giuliani's success with welfare has been even more remarkable—in large measure because he approached the problem not primarily from a standpoint of its fiscal impact on New York but rather its spiritual impact. "New York City looked upon welfare as something not only that people were entitled to, but that people actually should be encouraged to get," he said in his Manhattan Institute speech. Under Lindsay's mayoralty in the '60s, New York's welfare rolls grew from 200,000 to an astonishing 1.1 million. "Remember the era in which politicians who supported expanding welfare were described as progressive?" Giuliani asks. "When you're moving people from work to welfare . . . [that's the] opposite direction."

There are now 480,000 fewer New Yorkers on the welfare rolls, a figure larger than the population of most American cities. And, as the mayor points out, the dire prophecies of welfare advocates—that cutting the rolls would plunge the city into crime, homelessness, and chaos—did not materialize.

Giuliani's fervor about the spiritual benefits of "workfare" bespeaks a "conservative soul," says Magnet. "This is a

Mr. Fettmann is an op-ed columnist and associate editorial-page editor for the *New York Post*.

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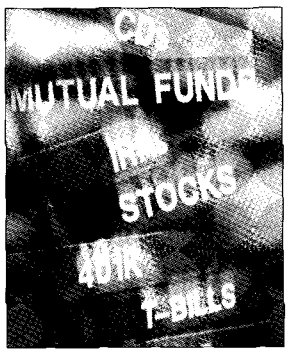

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guy who was educated by the nuns—and he listened to them very carefully."

The mayor, no wallflower, boasts that as a young lawyer he berated people on the street who violated the city's "pooper scooper" law, yelling, "You're a slob! Pick up after your dog!" Last fall, he called on his constituents to do the very same thing to anyone they see littering on the streets. "You go up to somebody and say, 'You're a slob,'" Giuliani said during a radio call-in show. But shouldn't the hint be less confrontational? he was asked. "No, not so polite," the mayor responded. "You don't have to be too polite about somebody who's taking advantage and trampling on the rights of other people."

This insistence on direct confrontation infuriates Giuliani's critics, and even some of his supporters. But it underscores his belief that what he considers harmful social behavior is not to be tolerated, no matter how seemingly small the offense. Moreover, he is willing to apply the same argument to larger issues.

Magnet notes that, unlike his predecessors, Giuliani "in two State of the City addresses used the word 'illegitimacy' and said it's a bad thing and said that it's appropriate to say to fathers of kids out of wedlock, 'You're a bum.' I mean, people have been lectured by left-wingers for using the word 'illegitimate.' Giuliani recognizes that it's one of the key undiscussed social issues of our time."

Giuliani's crusade against immoral behavior led him to do something that no previous mayor had ever even attempted: shut down New York's burgeoning sex industry. The Times Square peep shows, the strip clubs, the porn theaters—they're all gone now, victims of Giuliani's refusal to tolerate the so-called "combat zone" approach that concentrated the city's sex industry into one area. "Some people romanticize the old Times Square," Giuliani observed earlier this year. "They think it was somehow charming to have graffiti on every wall and sex shops on every block. But remember what it was really like. Remember the fear, the disrespect for people's rights that went unchecked in that climate. It seemed like no one cared."

The ACLU types were convinced it would be child's play to knock down Giuliani's policies on First Amendment grounds. To their astonishment, however, some two dozen judges have upheld them. The sordid Times Square district of just a half-dozen years ago is no longer recognizable, porn stores having given way to family-oriented businesses.

Giuliani's vision of a new—actually, an old—social order has also been realized in his more controversial efforts, like a lusty crackdown on jaywalking, littering, noise pollution, and reckless cabdrivers. This has led critics to bray that Giuliani is trying to impose his personal morality on 8 million New Yorkers. But those complaints come largely from those who once hailed the sex shows as a reflection of New York's social diversity and who idealized homelessness as just another alternative lifestyle.

Admittedly, Giuliani's tenure has not been a total, unqualified success. Despite his best efforts, New Yorkers remain severely overtaxed and their businesses overregulated. And while the city has benefited from the Wall Street juggernaut, joblessness remains above the national average. Nor has the mayor been able to deal effectively with New York's failing school system. He has challenged the entrenched education bureaucracy—including the teachers' and principals' unions—but progress has been minimal.

Limited by law to only two terms as mayor, Giuliani now thinks his "practical reality" would "be good for a legislative body"—the U.S. Senate, for example. He is the all-but-certain Republican opponent to the all-but-certain Democratic nominee, Hillary Clinton. The New York Republican party, usually fractious, recently united behind Giuliani's prospective candidacy.

Rudy Giuliani by Roman Genn

The mayor has a strong idea of right and wrong, of what society should be like. And while he may sometimes be wearisomely zealous in pressing his personal vision of civility, no one can deny that New York City today is a far different—and far better—place than it was before he took office. The Rudy Revolution has done for New York what the Reagan Revolution did for the rest of the nation: It has challenged liberal orthodoxy and intellectual rigidity by redefining the political debate and placing a new set of options—stressing accountability and responsibility—squarely on the table, for good.

You can't get much more conservative than that. **NR**

■ DRUGS ■

Snow Job

The demonization of cocaine.

JACOB SULLUM

In *Annie Hall*, Woody Allen encounters cocaine at a Manhattan cocktail party. He dips his finger in the white powder, dabs a bit in his nostril, and sneezes violently, blowing the expensive stash all over the room.

George W. Bush has tried the same approach with rumors of cocaine use, but sneezing at them has not dispelled the questions. Other politicians—including Al Gore—have admitted without injury the use of marijuana in their youth, but the conventional wisdom says cocaine is different. Probably speaking for many, an 80-year-old Michigan woman told the *Detroit News* that past cocaine use "would be more troublesome to me as a voter than if a candidate had used

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marijuana. It's a more serious drug."

How serious, exactly? Despite its reputation, cocaine is neither irresistible nor inescapable. The typical cocaine user, like the typical marijuana user, does not become addicted and does not harm himself or others. Consequently, it is hard to see why voters should distinguish between former pot smokers and former coke sniffers.

In deciding how we should feel about a politician's cocaine use, a little historical perspective may be useful. Natives of South America have cultivated coca for thousands of years, chewing its leaves to relieve fatigue, hunger, and thirst. In the late 19th century, coca-laced beverages, including Coca-Cola and Vin Mariani wine, became popular in the United States and Europe. Cocaine, the leaf's main active ingredient, was first isolated in 1844 but was not widely used by physicians until the 1880s. It was quite effective as a local anesthetic (a use that remains legal today), and doctors prescribed it for more questionable purposes as well, including treatment of opiate addiction and alcoholism. Cocaine was also an ingredient in over-the-counter remedies.

It soon became apparent that some people developed an attachment to cocaine that was hard to break. The precise extent of the problem is difficult to assess. In the 1996 book *Hep-Cats, Narcs, and Pipe Dreams: A History of America's Romance With Illegal Drugs*, journalist Jill Jonnes cites an estimate of 200,000 "cocaine addicts" in 1902, a figure she attributes to the American Pharmaceutical Association. As the drug-policy scholar Arnold Trebach notes in the 1993 book *Legalize It?*, this number referred to "users" (not just addicts) of various "habit-forming drugs" (not just cocaine). But let's accept Jonnes's estimate for the sake of argument. It suggests that something like 0.26 percent of the population was addicted to cocaine at a time when the drug was freely and cheaply available. Evidently, almost no one had trouble abstaining from cocaine or using it in moderation. Nevertheless, fears of acci-

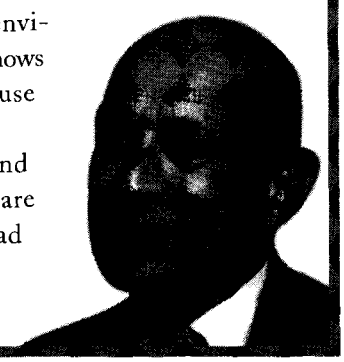
Mr. Sullum, a syndicated columnist and a senior editor at *Reason*, is the author of *For Your Own Good: The Anti-Smoking Crusade and the Tyranny of Public Health*.

"Julian Simon loved to make bets. Fifty years from now readers who peruse *Earth in the Balance* by Albert Gore and *Hoodwinking the Nation* by Julian Simon will giggle at one of them. Let's bet which."

—Ben Wattenberg

"Why is there so much false bad news about the environment, resources, and population?" That's the question the late Julian L. Simon set out to answer in *Hoodwinking the Nation*. He analyzes the role of the media in the dissemination of so much false information about environmental issues, shows how politicians misuse statistics to achieve their policy goals, and explains why people are more receptive to bad than to good news.

Hoodwinking the Nation
by Julian Simon
140 pp./$29.95 cloth



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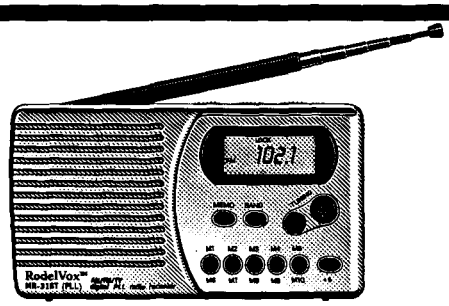

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dental addiction and of the drug's impact on racial minorities ("cocainized Negroes") helped build support for a federal ban on non-medical use, which was accomplished in 1914.

After a period of relatively little use, cocaine was rediscovered in the 1970s and '80s by the sort of affluent whites Woody Allen depicted in *Annie Hall*. The invention of crack, a cheap, smokable form of cocaine, spread the habit to poor inner-city neighborhoods. Although the violence that accompanied the crack trade fed public anxiety about cocaine, it was mainly a product of prohibition, not the drug's psychoactive effects. A 1989 analysis of crack-related homicides in New York City found that 85 percent grew out of black-market disputes, while about 7 percent occurred during crimes committed to support a crack habit. Only one homicide out of 118 involved a perpetrator who was high on crack.

To illustrate the addictive power of cocaine, anti-drug warriors cited experiments in which rats and monkeys preferred the drug to food. But as the psychologist Bruce Alexander observed in a 1990 *Reason* article, "Cocaine self-administration studies isolate such creatures in small cages, where they are surgically implanted with a catheter and tethered 24 hours a day to the injection apparatus. There is virtually nothing for these creatures to do in their solitary confinement but press a lever on the wall that produces temporary euphoric stimulation." These studies tell us little about the behavior of rats and monkeys in a more natural setting, let alone the behavior of human beings.

Data on cocaine use in the real world indicate that what was true at the turn of the century remains true today: For the vast majority of users, cocaine does not cause serious problems. Jill Jonnes, who supports the war on drugs, calls cocaine "thoroughly addicting." Yet later in her book she tells us, "While the middle-class cocaine epidemic proved to many a boomer that even they could get into deep trouble with drugs, the majority emerged unscathed." Even that concession is an understatement. In the 1998 National Household Survey on Drug Abuse, 10.6 percent of the respondents said they had tried cocaine (including crack), 1.7 percent had used it in the previous year, 0.8 percent had done so in the past month, and 0.3 percent were using it weekly or more often. In other words, about 3 percent of the people who had tried cocaine were using it as often as once a week. How "thoroughly addicting" is that?

It's hard to say what percentage of current cocaine users are addicts, because surveys do not usually ask detailed enough questions, and they may exclude groups (such as the homeless) that are especially prone to abuse. But in a 1993 government-sponsored survey of young adults, only 7 percent of past-month cocaine users were daily users. By comparison, about 10 percent of past-month drinkers report heavy alcohol use (defined as five or more drinks in one session on five or more of the previous 30 days), and 5 to 10 percent of drinkers are said to be alcoholics.

Heavy use of cocaine can lead to paranoia, depression, social isolation, family disruption, financial difficulties, and problems at work. But heavy use is not the usual pattern, and the hazards of occasional use—in particular, the risk of sudden death—have been greatly exaggerated. "Both powder and crack cocaine can increase the workload of the heart and cause irregular heartbeats," note Andrew Weil and Winifred Rosen in their 1993 book *From Chocolate to Morphine*, "but deaths from cocaine are rare, and the body has a great capacity to metabolize and eliminate the drug from the system." In a 1989 Cato Institute paper, James Ostrowski put the annual death toll from cocaine at 4 per 100,000 users. The death rate for alcohol, based on an estimate by the Centers for Disease Control and Prevention, is roughly 25 times as high.

So the one drug that George W. Bush has admitted to using is arguably quite a bit more "serious" than cocaine. Bush says he had such difficulty controlling his drinking that he has not touched a drop since his 40th birthday. If people thought rationally about drugs, they would be more troubled by that admission than by the possibility that he experimented with cocaine in his 20s. But that's a big "if." **NR**

■ CULTURE WATCH ■

Chimps and Chumps

What monkeys don't tell us about man.

STEVE SAILER

In recent decades the average *Homo sapiens*' understanding of other species has grown impressively. For example, Gary Larson's *Far Side* cartoon simply would not have been funny before PBS started showing us countless documentaries on penguins, pandas, and polar bears. Interest in apes and monkeys, especially, has reached an unprecedented level, as seen in the opening of the $43 million Congo Gorilla Forest at the Bronx Zoo. Even Tarzan movies are now primatologically correct. As recently as 1984, the pretentious *Greystoke: The Legend of Tarzan, Lord of the Apes* could put extras in generic ape suits—half-chimpanzee, half-gorilla—and receive an Academy Award nomination for Best Makeup. Disney's new *Tarzan* animated feature, however, is quite realistic in its depiction of gorillas (except for the parts about them talking and raising human babies; evidence for this remains strictly anecdotal).

All this is to be encouraged. As the motto of Faber College in *Animal House* reminds us, Knowledge Is Good. The rub, though, is in figuring out how to use this knowledge; specifically, how to apply lessons learned from animals to human beings.

Looking for insight into human nature by studying our closest relatives in the evolutionary tree—our fellow primates—has become a popular intellectual pastime. For guidance on how to live, we look less to Scripture nowadays and more to our cousins with the low foreheads. But there are obvious limits to their value as role models: While no ape

Mr. Sailer is a Chicago businessman and writer.

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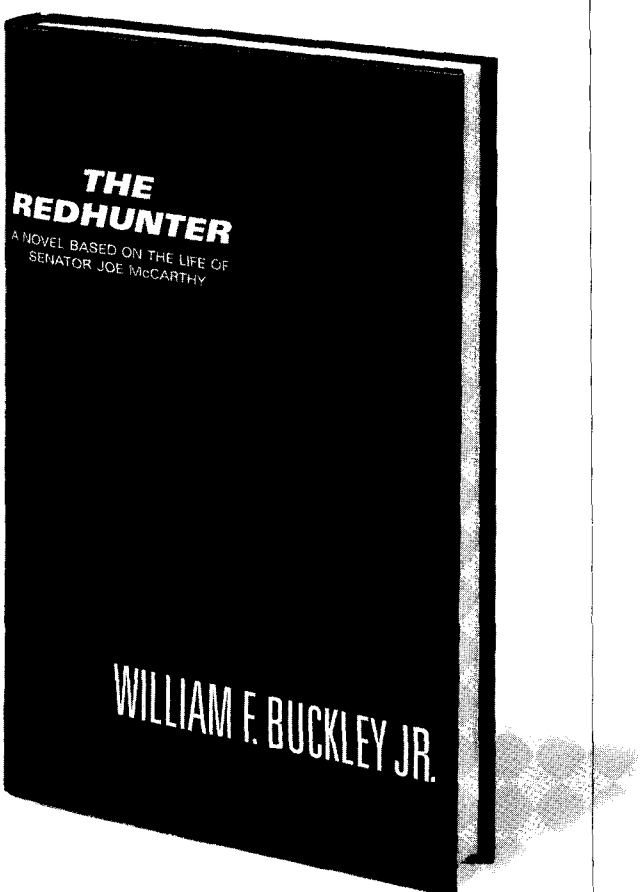

"Only a wordsmith of William F. Buckley's caliber could try, and largely succeed, in depicting Joe McCarthy as an engaging, sympathetic, and ultimately tragic figure. Buckley's McCarthy is a rogue but not a loathsome enemy of freedom. Even liberals who grow faint at the thought of any kind word about McCarthy will enjoy the pacing and suspense of an engrossing story with many twists and turns."

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"Mr. Buckley has provided in *The Redhunter* a remarkable fable of the life and times of Joe McCarthy, portraying with narrative vigor the well-known highlights of this belligerent protagonist's half-decade career in America's headlines. The result is a true page-turner. Mr. Buckley has humanized his subject without exonerating him from harsh historical judgments."

—**Allen Weinstein**, *The Washington Times*

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would have been so stupid as to have gotten America into our current Banana War with the European Union, none would be smart enough to get us out either. Conversely, those things that all of us primates clearly agree upon (e.g., Bananas: Good! Mother Love: Good! Falling Out of Tree: Bad!) tend to be boring.

No, what we want apes to tell us is the answers to those fundamental questions about sex and violence on which we human beings cannot agree. What makes this mode of inquiry so popular—yet so fruitless—is that anybody can turn to his favorite primate in support of his favorite lifestyle. Most upper-middle-class Americans in 1999 believe nature intended us to live in monogamous, egalitarian, affectionate pairs, like Helen Hunt and Paul Reiser on *Mad About You*. If you doubt it, just ask our fifth-closest cousins, those elegant tree-swinging gibbons. But if you don't want to live with the mothers of your various children, look to our fourth-closest cousins, the orangutans, for justification.

In contrast, the noble silverback gorilla broods in polygamous mastery over his harem. While anti-utopian philosophers find their pessimism about human nature vindicated by the thuggish common chimpanzee, whose basic social unit resembles the Hell's Angels, complete with murderous raids on other troops and frequent gangbangs. But feminists and aging hippies have recently discovered to their delight that there is a rare second species of chimp, the bonobo or pygmy chimp, in which the female plays a much more important (and maybe even central) role.

A bonobo chimp troop resembles an omnisexual commune run by Madonna and Little Richard: Everybody has sex with everybody else all day long. Lesbian crotch-to-crotch grinding is a particular favorite, while males practice "penis-fencing." (Bonobos can couple dozens of times per day, because each session typically lasts only 13 seconds.) Bonobos are said to be "peace-loving." Males remain mama's boys their entire lives, "being dependent on [their mothers] for protection" in the words of primatologist Frans de Waal.

Intellectuals have gone slightly gaga over bonobos. A *Washington Post* reviewer rhapsodized that bonobos "could be the key to a more harmonious human future." University of Michigan psychologist Barbara Smuts writes in *Discover* magazine that a "deeper understanding of male aggression against females in other species can help us understand its counterpart in our own." Fortunately, bonobos provide us with an example towards which to aspire: "Recent field studies show that these unrelated females hang out together and engage in frequent homoerotic behavior; . . . sex seems to cement their bonds. . . . [O]ne way that females use these bonds is to form alliances against males, and, as a consequence, male bonobos do not dominate females or attempt to coerce them sexually." The conclusion: "SISTERHOOD IS POWERFUL."

A bonobo chimp troop resembles an omnisexual commune run by Madonna and Little Richard.

The *New York Times*'s Natalie Angier hopes future studies will prove we are more closely related to bonobos than to common chimps. Richard Wrangham and Dale Peterson, the dour authors of *Demonic Males: Apes and the Origins of Human Violence*, ask: "Those loving bonobos—did we pick the wrong primate to evolve from?" And de Waal asserts that the news about the bonobo lifestyle "commands attention because the bonobo shares more than 98 percent of our genetic profile . . . making it as close to a human as, say, a fox is to a dog."

While the bonobo lifestyle may seem unappealing, the logic behind the bonobo buzz is also lacking. First, bonobos are Darwinian duds. As appealing as their genetic programming may be to the students and faculty of Smith College, their genes have not succeeded in replicating themselves widely: There are fewer than 10,000 bonobos alive, no more than 1/20th the number of those testosterone-addled common chimps.

Second, owing to this relative failure to go forth and multiply, we really don't know much yet about bonobos. To conclude that they are natural-born pacifists, therefore, may well be premature. It took Jane Goodall over a decade to notice that the males in her beloved troop of common chimps were genocidal brutes.

Third, whatever the case may be among bonobos, sisterhood isn't terribly powerful among females in our own species, and probably never will be—for two fundamental reasons. First, women betray other women constantly because it's in their selfish genes' interest that they propagate themselves. They compete with their own sex in order to cooperate with the opposite sex in making babies.

Also, when it comes to sexual violence, women usually aren't protected by other women, but by men: angry fathers with shotguns, vengeful husbands and brothers, police forces, and armies. Men, in this context, tend to be both the problem and the solution. Only men are strong enough and violent enough to deter other strong and violent men.

Fourth, we didn't evolve from chimps, bonobos, or gorillas, but from some mysterious extinct common ancestor.

Fifth, the oft-cited 98 percent figure for shared DNA is less impressive than it looks. Most DNA is unused, so natural selection never changes it. Another big chunk of your personal DNA controls the basics of earthly carbon-based life, and is extremely common across multitudinous organisms. Thus, one study found that we share 70 percent of our DNA with yeast—suggesting that if you don't have a bonobo around, you can let a packet of Fleischmann's pinch-hit as your role model. De Waal's statement that a chimp is as genetically similar to a human as a fox is to a dog may be true, but we should remember that there are a striking number of gene-driven differences even among dog breeds. A collie is identical to a pit bull in all but a tiny fraction of its genes, yet the two breeds differ radically in size, shape, behavior, and personality. Small genetic differences can have big consequences.

All these facts point to a single conclusion: While research into our fur-covered relations is fascinating in its own right, it's far from the best way to obtain insight into humanity. For that, the best strategy remains a clear-eyed study of ourselves. Alexander Pope got it right: "The proper study of mankind is man." **NR**

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Even Drug War Advocates Agree:

Mandatory Minimum Sentencing is Bad!

Stephen G. Breyer, Supreme Court Justice

"Mandatory sentencing laws should be abolished."

Source: United States Supreme Court Justice Stephen G. Breyer, in a speech at the University of Nebraska College, November 20, 1998.

Barry B. McCaffrey, "Drug Czar"

" - mandatory sentencing ties the hands of judges too tightly and prevents them from exercising discretion and good judgment." "By revising these sentencing rules, our intent is to broaden support for our drug policies, restore respect for the law and foster a more effective division of responsibility between federal, state and local law enforcement."

Source: Prepared Remarks by Barry R. McCaffrey, director, Office of National Drug Control Policy Before the First Annual Criminal Justice and Substance Abuse Conference, Albany, New York, June 29, 1999.

Joseph A. Califano, Jr., President, CASA

" Laws that prescribe mandatory sentences for possession of small amounts of marijuana are overkill. In general, mandatory sentences, especially those requiring drug and alcohol abusers and addicts to serve their entire sentence, are counterproductive. We need all the carrots and sticks we can muster to help these individuals shake their habit. Mandatory sentences take away any potential that an early release might hold as an incentive for such an inmate to enter treatment. Such sentences also remove the leverage that parole offers to get recently released inmates to continue treatment and aftercare or face a return to prison."

Source: Joseph A. Califano, Jr. Chairman and President, The National Center on Addiction and Substance Abuse at Columbia University on release of Non-Medical Marijuana: Rite of Passage or Russian Roulette? July 1999.

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■ COVER STORY ■

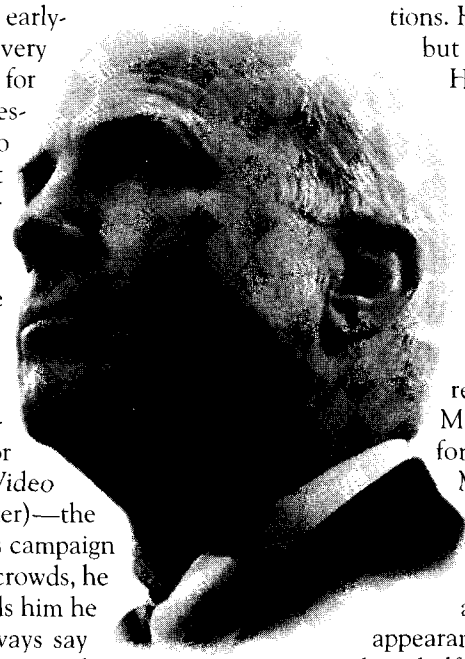
The Allure of John McCain

He offers his character. Is that enough?

RICHARD LOWRY

Concord, New Hampshire

AT 7:30 A.M., outside a Holiday Inn, John McCain boards his campaign bus. He picks out a sticky, day-old doughnut from a plain brown box—"Same s*** as yesterday," he remarks—then plops himself in the midst of reporters in the back of the bus, where he will hold delicious, on-the-record court for most of his week-long New Hampshire tour. He slips on sunglasses against the early-morning glare, looking exactly the way every journalist seems to regard him—too cool for words. "So this is what you did all day yesterday?" one impressed reporter, new to the bus, asks his colleagues. "Just sit around and schmooze?" The reporter adds, sarcastically, "Elizabeth Dole does that."



McCain aides would delight in the comparison. They have dubbed McCain's bus the "Straight Talk Express." Besides giving total access to reporters—McCain will talk about anything, from his favorite ice-cream flavor (blackberry) to the MTV Music Video Awards (he will attend with his daughter)—the candidate spends most of the time at his campaign stops taking questions. To the delight of crowds, he will brush off the aide who inevitably tells him he has time for just one more: "They always say that," he declares, calling on the next raised hand. The idea is to demonstrate McCain's openness and his familiarity with the issues, in contrast to the hyper-cautious George W. Bush and the hopeless Mrs. Dole. It works—sort of.

McCain's ebullience impresses most crowds. But he's not quite as adept on the stump as he thinks—often demagogic, sometimes stumbling, never coherent in the sense of arguing for a set of positions that hold together philosophically. His is a campaign ultimately about John McCain—his personality, his ambition, and, of course, his war record. There are worse things on which to hang a campaign, especially at a time when national politics seems to have lost its ideological charge. But there is no escaping that McCain the man simply does not add up to an effective political program, and that there is no substitute for such a program in a presidential race.

Which is not to deny McCain's considerable attractions. He is one of the guys, casual and irreverent, but never loses his dignity. His suffering in Hanoi gives him an authority most other politicians can never attain. Reminders of his POW experience—when his body was broken, first when he ejected from his plane, then by his Vietnamese captors—are subtle, but ever present. His aides usually usher reporters off the bus before the senator gets out, giving him time for some quick preparation and a little primping. At one stop, I had to go back to retrieve something and saw an aide combing McCain's hair. It seemed so out of character for the down-to-earth and independent McCain. Then I was reminded that he can't lift his arms above his shoulders. Oh.

McCain has trouble writing and has to throw his left arm out at an exaggerated angle when signing autographs. At an appearance at Keene State College, he laboriously signs about half a dozen campaign posters featuring the picture that graces the cover of his new book, *Faith of My Fathers*. Seeing that photo of the young McCain standing in his flightsuit—handsome, tough, a little jaunty, exactly as you would want an American hero to look—together with the senator so many years later—touched by age, still feeling the aches of the torture he endured for five and a half years—is enough in itself to make you want to enlist with McCain.

For some, it is enough. McCain must be the only candidate who can reduce people to tears by his mere presence. A caller to a morning radio program cries while thanking him for his

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service in Vietnam. The appeal of McCain is, indeed, a misty-eyed one. Asked to make the case for his friend, former POW and congressional candidate Orson Swindle says, "He knows what pain means. He knows what sacrifice means." For his supporters, McCain embodies virtues that will enjoy pride of place once again in the country if he's elected; just as President Clinton's flaws have been read into the nation, so will a President McCain's strengths. But all this is what McCain represents through his experience and his character, not his positions or policies. It's mostly a matter of symbolism, which is one reason that McCain tends to be overinterpreted by adoring magazine writers ("John McCain Walks on Water," was the headline of a profile in *Esquire* last year).

McCain's political content isn't so stirring. Beneath his famous bluntness lurks a trimmer. When a woman named Marilyn calls a New Hampshire public-radio program to ask about federal arts funding and defend Robert Mapplethorpe—who, she says, was making a statement in his art about Catholic education—McCain shoots back, "I don't care if he was for motherhood and apple pie." When the woman calls McCain misinformed, he cuts her off: "No, I think *you* are misinformed. And how you can excuse such a thing as what Mr. Mapplethorpe did as a product of a Catholic education staggers my imagination. I thank you, Marilyn, for the call." End of discussion. It's an unusually frank performance for a politician. The reporters listening in chuckle in appreciation. But McCain, typically, combines his boldness of manner with a timid and conventional position on the actual issue: He opposes increased funding for the National Endowment for the Arts, but does not favor eliminating it.

The senator is at his most animated when he talks about campaign-finance reform and inveighs against "special interests." His voice rises with anger, and he jabs a finger of his left hand downward as he declares, "Friends, you are no longer represented in Washington, and I can prove it!" It's a sweeping statement that trafficks in the cynicism about government that McCain professes to be fighting. He uses the line at an early-morning meeting with a group of New Hampshire realtors and homebuilders. But wait a minute. The home-building and construction industries spent $16 million lobbying in Washington in 1997, and the real-estate industry spent another $23 million. McCain's audience is amply represented in Washington, thank you very much. It turns out that ordinary people—like these—have special interests too.

McCain's case for campaign-finance reform doesn't hold up in other ways as well. Conservatives have long argued that it is big, intrusive government that forces special interests to protect themselves in Washington. McCain wants to turn the equation on its head: Special interests make it impossible to cut government. But most of the examples he cites—a manure-disposal project in Mississippi, a cow-flatulence study—are run-of-the-mill pork-barrel projects, a way to create jobs and please important constituencies back home. They don't represent a distortion of politics, they *are* politics. McCain argues that the rate-flattening 1986 tax reform—let alone a real flat tax—would be impossible today because of the prevalence of soft money. But it isn't soft-money corruption that props up the progressive tax code, or other big-government programs—Medicare, Social Security, etc.—so much as honest ideological disagreement. (If anything, corruption works the other way: The government buys off constituencies.)

McCain seems not to have an instinctive grasp of ideological argument. It doesn't figure in the "faith of his fathers," which is all about duty and service, alien to the horse-trading, untidiness, and—most important—battle of ideas that animate politics. McCain describes the world of a naval officer in his book: "His character [is] expected to be above reproach, his life a full testament to the enduring virtues of an officer and a gentleman. . . . He keeps his word, whatever the cost. . . . He admits his mistakes openly, and accepts whatever sanction is imposed upon him without complaint." And so on. Anyone weaned on this ethic is bound to think Washington is a sewer.

His voice rises with anger as he declares, 'Friends, you are no longer represented in Washington!'

"It took me a long time to come to understand, to accept, that it's just drastically different," McCain says of politics. "You really just don't make a lot of friendships in Washington, whereas the essence of squadron life is that you all are very close knit. We knew there would very likely come a time when we would have to depend on each other. In politics, you don't have that." But it's not clear that McCain—as they say of Vietnam veterans in a different context—ever "came all the way back" from military life. He often says things like, "People are free to disagree, and I will accept their disagreement." This is supposed to demonstrate his magnanimity, but—since it's something that should go without saying—it sounds instead like he really can't stand people disagreeing with him. *Accept* their disagreement?

McCain proudly recounts in his book how his dad once stood, red-faced, at a hearing table and shouted at a senator who had questioned his honesty, until a colleague pulled him back into his chair by his coat. The object of his father's ire didn't yet understand that Admiral McCain was above reproach. Sen. McCain must yearn for similar status. Instead, he's caught in the nasty business of partisan politics. Indeed, it was a partisan play on the part of Democrats that landed him in the Keating Five investigation. In *The Nightingale's Song*, Robert Timberg recounts McCain's reaction to the scandal:

> "This is the worst thing, the absolute worst thing that ever happened to me," he said at one point early on as aides gathered in his office.
>
> "It can't be the worst thing," said one of those present, amazed at his use of the superlative.
>
> "No," he said, "this is worse."

If honor drives McCain's position on campaign finance, sheer cussedness seems to be a factor in much else. He writes in *Faith of My Fathers* of his experience in prison: "Resisting, being uncooperative and a general pain in the ass, proved, as

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it had been in the past, to be a morale booster for me." Apparently, it still is. One former Senate aide describes how, after McCain had passed his anti-tobacco bill out of committee, the senator seemed lukewarm on the merits of the bill; but when he took hits from the tobacco companies, he became more adamant—he had gotten his back up. These characteristics may make the style of McCain's politics different from that of George W.'s, but the substance is similar: a lowest-common-denominator conservatism with great emphasis on centrist rhetoric and "inclusion," plus an unwillingness to champion anything that could possibly be interpreted as "divisive."

Like W., McCain has a position on California's anti-preference Proposition 209 that is—ahem—open to interpretation. "I support the concept, [but] I thought it was unfortunate we had to go to a ballot initiative to do so," he explains, lamenting the "polarizing effect" of the referendum. The alternative? "In Arizona," says McCain, "we've been able to sit down with our Hispanic citizens and talk about how we can help increase opportunities, help with greater education, with better admissions into our major universities, and we've made great success and we didn't have to go to a

McCain has a reliably pro-life record, but it's clear that he isn't comfortable talking about the issue.

ballot initiative to achieve those goals." What this means exactly is unclear, except that quotas are intact in Arizona, and McCain helped torpedo an effort to put an anti-preferences initiative on the state ballot in 1998.

McCain often makes appeals to consensus, which is another anti-political conceit—the idea that everything can *just be worked out.* One of the realtors asks McCain what should be done about suburban sprawl in New Hampshire. "If I had any advice for you," he says, "I would say probably you might want to get together with the legislature and with some of the environmental community and others and try to sit down and start planning out some of these things so you can anticipate . . . So I would try to get out ahead of it." A puzzled woman asks, "But how?" McCain takes another stab at it, but is just as fuzzy.

Invoking consensus can be a way of having it both ways, which was probably the impetus for McCain's recent abortion snafu, when he told an editorial board that he opposed overturning *Roe* v. *Wade*. McCain has a reliably pro-life voting record, but it's clear that he isn't comfortable talking about the issue and doesn't entirely understand it. At Keene State, he tries to argue—in a real head-scratcher—that abortion is a political issue only because some abortions are federally funded. At a forum for local reporters, there is a five-minute barrage of questions about abortion, to which McCain responds with robotic-sounding, pro-life answers, as if he'd been programmed by the Christian Coalition.

For most voters, obviously, the details of campaign finance or abortion law are less important than the general aura of McCain's candidacy. The highfalutin argument for the senator is that he represents a return to the Republicanism of Theodore Roosevelt (whom he frequently mentions), joining a reformist domestic agenda to a muscular foreign policy and an appeal to American patriotism. The theme uniting it all, so the reasoning goes, is vigorous self-government. But McCain's reforms would foster the opposite. His campaign-finance bill would tend to make it more difficult for citizen groups to participate in politics, and subject them to the nit-picking of the Nanny State. Smokers would get similar treatment under his tobacco bill. The TR case for McCain smacks of imposing a programmatic agenda, after the fact, on a collection of ad hoc positions. (Once McCain was read a particularly glowing passage from a magazine profile of him, and scoffed in reply, "Jeesh, I don't think I'm that deep. Do you?")

A better comparison for McCain's personality-driven politics is Jesse Ventura. Both men combine an independent streak with a rough-hewn plainspokenness and masculine demeanor that many find refreshing in the feminized 1990s. Asked at his forum—in the context of George W.'s cocaine conundrum—whether he has discussed drugs with his kids, McCain says he told his 13-year-old son that if he used drugs "I'd beat him within an inch of his life." Everyone laughs, and it makes one of the wire-service stories. It is vintage McCain—it seems so honest, so manly. McCain's own youthful carousing—he dated an exotic dancer who cleaned her fingernails with a switchblade, for example—somehow seems to fit right in. Asked at a VFW hall whether he has skeletons in his closet, McCain raises his eyebrows: "Yes. I had a wonderful time as a young man." The crowd laughs and applauds.

Watching a wisecracking, cocksure McCain do his thing at the flag-bedecked hall—where an empty table is always set to commemorate POWs and MIAs—can be irresistible, especially for conservatives. The temptation is one Republicans succumbed to in 1996 with Bob Dole—that of confusing character in wartime with the character that makes for a successful national politician. Bob Dole has the former, Bill Clinton the latter. So it might be gratifying to see McCain upset George W., another former wastrel, but one who didn't have the tempering of the Hanoi Hilton. The nomination race, however, is not a contest for best man: It is one for best politician. And W., who appears to relish the rough-and-tumble of politics and to be a disciplined campaigner, has a formidable claim to being that.

McCain will fight him tirelessly nonetheless. A theme as prominent as service or honor in *Faith of My Fathers* is ambition. McCain's grandfather was an admiral, and McCain's dad spent his life—working even on Christmas Day, sacrificing his personal happiness—catching up, getting a fourth star of his own. One of the reasons McCain wanted combat duty in Vietnam was to advance his career in the Navy, to keep up with his forebears. Now, a promotion that would trump them all is within his reach. Asked if it would be going too far to say that becoming president would be his fourth star, McCain demurs, "Yeah, I would guess so." But he laughs. He likes the idea. "That's a very good line. It's a very good line." Maybe this is why McCain so lends himself to the expansive interpretations of journalists: because he's a blank slate, because his personal quest is ultimately just that—a personal quest. **NR**

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"My interest in understanding how the economic interaction process works has always been instrumental to the more inclusive purpose of understanding how we can learn to live one with one another without engaging in Hobbesian war and without subjecting ourselves to the dictates of the state."

—James M. Buchanan

photograph from Pressens Bild, Stockholm, Sweden

James M. Buchanan receiving the Alfred Nobel Memorial Prize in Economic Sciences from Carl XVI Gustaf, king of Sweden, 1986

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Bucks and *Buckley*

The plaintiff makes his case.

JAMES L. BUCKLEY

I SUPPOSE it is time that the Buckley in *Buckley* v. *Valeo* say a word about today's campaign-finance–reform debate. Recently, the Twentieth Century Fund released a report entitled "*Buckley* Stops Here: Loosening the Judicial Stranglehold on Campaign Finance Reform." As the title suggests, the report proposes a legal strategy for persuading the Supreme Court to reverse certain of its holdings in the *Buckley* decision. The authors of the report are particularly concerned about the Court's conclusion that the First Amendment forbids any limitation on what a campaign committee or independent citizen may spend in support of a candidate for federal office or on what a candidate may expend on his own campaign. For them, meaningful reform requires stringent restrictions on the amounts that may be contributed or spent by all players in the election game. As I am a federal judge, I accept the Court's construction of the Constitution; but as the lead plaintiff in that 1976 case, I feel obliged to offer a dissenting view as to what constitutes true reform, as a matter of public policy.

It is instructive to consider who the *Buckley* plaintiffs were. They were political underdogs and outsiders. Although I was a United States senator at the time, I had squeaked into office in 1970 as the first third-party candidate in forty years to be elected to the Senate. My co-plaintiffs included Senator Eugene McCarthy, who bucked his party's establishment by running a sufficiently effective challenge to cause President Lyndon Johnson to withdraw his candidacy for reelection; the very conservative American Conservative Union and the equally liberal New York Civil Liberties Union; New York's Conservative Party and the national Libertarian Party; and Stewart Mott, a wealthy sponsor of liberal causes who had contributed $220,000 to the McCarthy presidential campaign.

What we all had in common was a concern that the 1974 amendments to the Federal Election Campaign Act would squeeze independent voices and reform movements out of the political process by making it even more difficult than it already was to raise effective challenges to the political status quo. That legislation established, among other things, an elaborate system of public financing for presidential elections, and it placed ceilings on what could be spent by presidential and congressional campaign committees. It also restricted independent spending in support of a candidate to $1,000, limited individual campaign contributions to $1,000, but permitted contributions of $5,000 to political action committees (the notorious "PACs") which, in turn, could contribute up to $5,000 to a candidate.

We believed that these restrictions were fundamentally flawed both constitutionally and as a matter of public policy. The core value protected by the First Amendment's speech clause is the freedom of political speech. It is incontrovertible that, in today's world, it takes money—and a great deal of it—for political speech to be heard. Therefore, we opposed the 1974 amendments' limits on contributions and spending as unlawful restrictions on political speech. We found the legislation equally objectionable on grounds of public policy, because a healthy democracy should encourage competition in the political marketplace rather than increase the difficulties already faced by those challenging incumbents or the political establishment. Incumbents enjoy enormous advantages over challengers. These include name recognition, the use of the frank to communicate with constituents, automatic access to the media, and the goodwill derived from handling constituent problems.

Given this fundamental political reality, a challenger who is not a celebrity in his own right must be able to persuade both the media and a broad base of potential contributors that his candidacy is credible. This requires a substantial amount of seed money. As I testified in *Buckley*, I could not have won election in 1970 if the present $1,000 limit on individual contributions had been in place. Thanks to substantial gifts from a handful of individuals, my campaign was able at the outset to hire key personnel, print campaign literature, and rent a strategically located New York City headquarters. This caused the media to take my candidacy seriously; and that, in turn, enabled me to raise (largely through mass mailings) the $2 million required for a competitive campaign. Nor could Senator McCarthy have launched a serious challenge to an incumbent president without the more than $1 million that was provided by fewer than a dozen early supporters.

We won a number of our arguments before the Supreme Court, but lost the critical one. The Court agreed with us that the restrictions placed on what could be spent in support of a congressional candidate were unconstitutional. It held, however, that the limitations placed on contributions by individuals and PACs were constitutional because of Congress's expressed concern for avoiding the appearances of improper influence on federal elections. But because an individual cannot corrupt himself, the Court overturned the limits that Congress had placed on what candidates could spend on their own campaigns.

THE BURDEN OF FUNDRAISING

In the wake of the Supreme Court's decision, we are left with a package of federal election laws and regulations that have distorted virtually every aspect of the election process. The 1974 amendments were supposed to de-emphasize the role of money in federal elections. Instead, by limiting individual contributions to a thousand dollars of diminishing value, today's law has made the search for money a candidate's central preoccupation. When I ran in 1970, I never made telephone calls requesting money, and I doubt that I attended as many as a dozen fundraising functions. Passing the hat was exclusively the concern of my finance committee. Today, the need to scrounge for money has proven so burdensome that two senators have recently cited this as a major reason for their decision to retire from public life.

Mr. Buckley is senior judge of the United States Court of Appeals for the District of Columbia Circuit.

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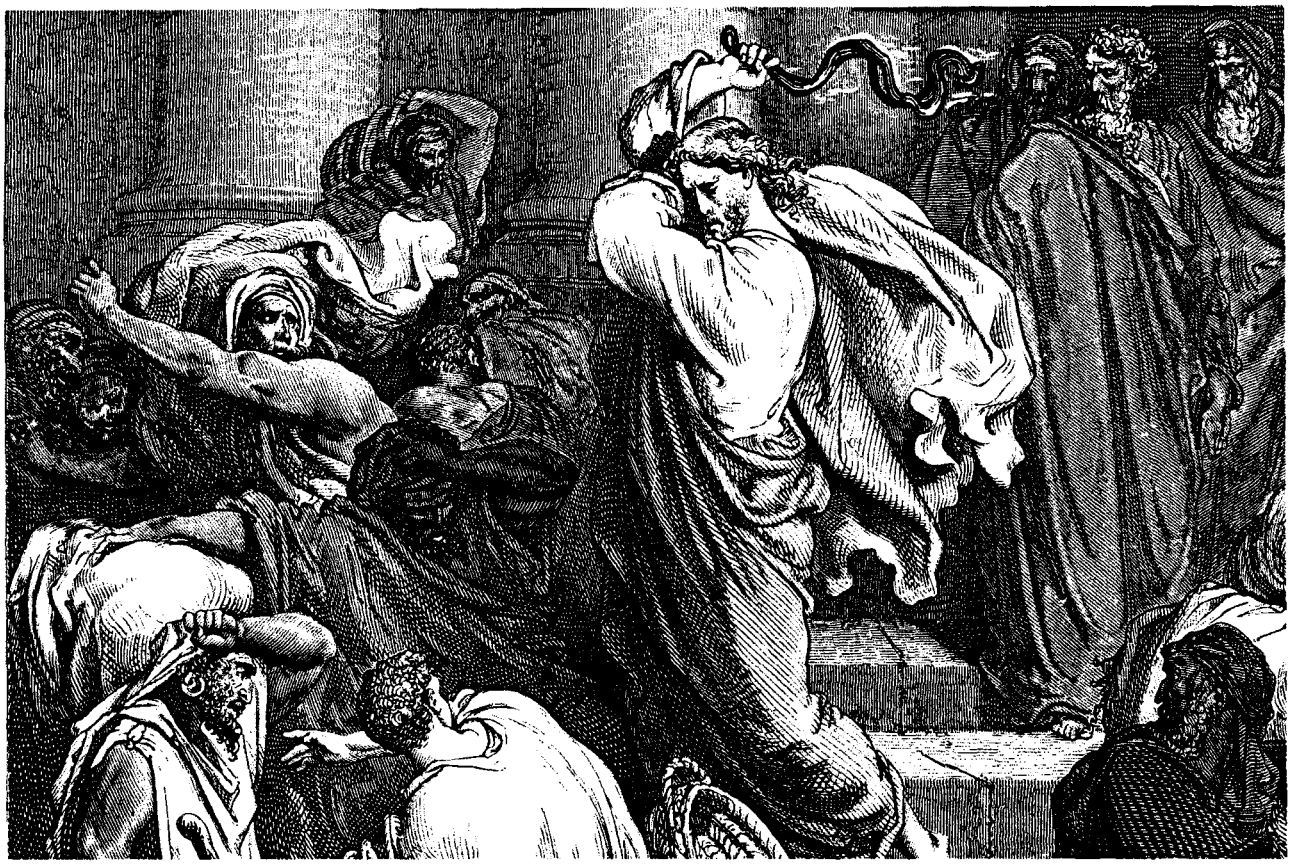
So...You're Intolerant !



Well, so was He.

Jesus more than "offended" the moneychangers; He "intolerantly" threw them out of the Temple. He said "mean-spirited" and "hurtful" things to people — *hypocrites, brood of vipers, sons of Hell*, etc. He was more than "insensitive" to unrepentant sinners; He warned that Heaven would not be "inclusive" of them.

The war between good and evil is not just between the Church and the World; it's being waged inside the churches, where the voices of iniquity have found a booming echo. Those voices speak beguilingly of "tolerance" and "diversity": Premarital sex? "Why, kids can't help it." Abortion? "Women must be free to choose." Homosexuality? "Diverse strokes for diverse folks." Porn? "Lighten up." Adultery? "Be understanding." Assisted suicide? "Be compassionate." Moneychangers in the Temple? "Hey, people need to make a living."

But the forces of libertinism don't just want to be tolerated; they're now demanding and getting approval. If you don't go along with the crowd, *you* won't be tolerated. You will nonjudgmentally be judged to be "intolerant" — and banished to Outer Darkness to wail and gnash your teeth. This is what's happening in many Christian churches today. We at the NEW OXFORD REVIEW, an orthodox Catholic monthly magazine, refuse to throw Christ out of the Temple. If you're willing to stand up for Jesus in the face of accusation — or if you need your backbone stiffened — subscribe today!

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The federal regulation of campaigns has all but driven grass-roots action from the political scene. The rules have become too complex, the costs of a misstep too great. In 1970, when on campaign tours around New York State, I would often run into groups that, on their own initiative, had rented storefronts from which to dispense my campaign literature, man the phones, and deploy volunteers. Today, anyone intrepid enough to engage in such spontaneous action is well advised to enlist the counsel of an election lawyer and accountant, and even then he must be prepared to prove his independence in court. In the case of my New York storefront volunteers, the mere possession of my campaign handouts would have been cited as proof enough of collusion.

The restrictions on giving are also at the root of the alarums in recent times over the uses of "soft" money, a word of art used to describe money raised by political parties that is not subject to federal election law limits and sometimes used to describe all unregulated money. The term describes, for example, the use of funds to advocate positions with which a particular candidate is identified—so-called "issue advocacy." Such expenditures are perfectly legal and, in fact, constitutionally protected if one is to take the Supreme Court's holdings in *Buckley* at face value. Nevertheless, the reformers are demanding the closure of what they describe as the loopholes in present law that permit such egregious abuses of political speech.

Today's reformers also complain about the power of PACs, and there is some justification for their concerns. PACs can have very specific objectives, and they may condition contributions on a candidate's commitment to vote this way or that on future legislation. But these committees are the beneficiaries of the restrictions placed on individual giving by the reformers of 1974. A citizen who would contribute $25,000 to one or two candidates in whom he believes, but is limited to a gift of $1,000 to each, will find other ways to deploy the rest of the money he has earmarked for political purposes.

But perhaps the most disturbing consequence of the 1974 amendments has been the way they have consolidated the political power of favored establishment forces. By compounding the difficulties faced by challengers, they have enlarged the advantages already enjoyed by incumbents. By restricting the political speech of political outsiders, they have enhanced the power of the two major parties. By discouraging individual action, they have enhanced the political influence of trade associations and labor unions. And if current efforts to control issue advocacy succeed, the result will be to increase still more the political power already exercised by the mass media.

THE WAY OUT

There is general agreement that the current state of the law governing federal campaigns is worse than unsatisfactory. The answer, however, is not to place further restrictions on the freedom of speech but to reexamine the premises on which the existing ones have been based. In the first instance, it has been amply demonstrated in a dozen recent races that money cannot "buy" elections. The voters have the final say. What money *can* do is buy the exposure without which no candidate, however meritorious, has a chance. This is the major reason that sound public policy would not place artificial obstacles in the way of challengers trying to launch a viable campaign.

Second, while it is of course true that large contributions can corrupt, the likelihood that a candidate will be seduced by such contributions is vastly overstated. The overwhelming majority of wealthy donors back candidates with whom they are in general agreement, and they are far more tolerant of differences on this point or that than are the PACs or other single-issue organizations to which a candidate will otherwise turn for necessary financing. It is true, yes, that a major financial contributor will have readier access to a candidate he has helped elect and that with access comes the opportunity to persuade. But corruption occurs only when a legislator casts a vote that violates his convictions in exchange for financial support; and virtually every study of actual voting patterns suggests that this kind of corruption is too rare to warrant the distortions created by the present law in an attempt to avoid the appearances of impropriety.

This is not to deny the importance of such appearances in a cynical age. A less damaging remedy is available, however, and that is full and immediate disclosure. Campaign committees can and should be required to record contributions on a daily basis and to make that information immediately available over the Internet. The opposing campaign can be relied on to publicize any gift that can give rise to an adverse inference. The public can then judge whether the contribution is apt to corrupt its recipient. What makes no sense is to retain a set of rules that makes it impossible for a Stewart Mott to provide a Eugene McCarthy with the seed money essential to a credible challenge to a sitting president, or that makes politics the playground of the super-rich who can finance their own campaigns.

The greater the government's involvement in our lives, the more important it is that participation in political debate be unhampered by artificial restraints. The problem today is not that too much money is spent on elections. It isn't. Procter & Gamble spends more each year in advertising its products than all political campaigns and parties do in extolling the merits of theirs. The problem is that the electoral process is saddled by a tangle of campaign laws and regulations that restrict the ability of independent voices to make themselves heard and that rig the political game in favor of the most privileged players. And because congressional incumbents are the beneficiaries of the tilted playing field (the advantages of Senate incumbency are worth well over $1 million in some states), it is fanciful to believe that Congress will rewrite the rule book to give outsiders an even break.

The road to true reform lies not in trying to persuade the Supreme Court to permit further restrictions on political speech, as the authors of the Twentieth Century Fund report and others are seeking to do, but to persuade Congress to rescind those that now exist while requiring the immediate disclosure of contributions. We have nothing to fear from unfettered political debate, and everything to gain. If artificial restraints are lifted, viable candidates will not lack the funds with which to be heard, because no side of the policy debate has a monopoly on money. American democracy can ill afford government control of the political marketplace—and that is where today's reformers would lead us. **NR**

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You deserve a factual look at...

The Golan Heights

To Whom Do They Belong? Can Israel Survive Without Them?

Syria's president, Hafez Assad, has apparently "consented to discuss peace" with Israel's Prime Minister Ehud Barak, provided that Mr. Barak agrees to start negotiations where (allegedly) the late Prime Minister Rabin left off four years ago. Astonishingly and regrettably, Mr Barak seems to have agreed to this presumptuous imposition.

What are the facts?

Historical Background—The Golan was always part of the Jewish homeland. The Syrian claim to the Golan is tenuous. Syria, as a political entity, did not exist at all until after the first World War. Until then it was just another province in the Ottoman empire, with ill-defined borders. In 1923, in an Anglo/French great-power play, the border between Syria and what was then called Palestine was established. The Golan Heights were ceded to Syria.

Even before the establishment of Israel in 1948, the Syrians, having heavily fortified the area, subjected the villages in northern Israel to almost daily shellings, making normal life impossible. In the 1967 Six-Day War, Syria attacked Israel and was defeated. Israel occupied the Golan Heights and in 1981, for all practical purposes annexed them.

Syria and its President—Syria is the most destabilizing influence in the Middle East. It is classified by the U.S. State Department as a narcotics-dealing and terrorist state. Its main fury is directed against Israel, which is perceived as a bulwark of Western influence and civilization, both of which Syria totally rejects.

Syria's President, Hafez Assad, is a tyrant, every bit as ruthless and cunning as his Iraqi counterpart, Saddam Hussein. Under Assad, Syria is a world center for terrorism. It still harbors Nazi bigwigs, who found welcome there after the World War. Few doubt that he was the mastermind and final authority in the suicide attack on the Marine barracks in Beirut in which 241 Americans died, and in the explosion of Pan Am flight #103 in which 270 people lost their lives. He oversees one of the largest narcotics operations in the world.

Military Security—The Golan is the size of the New York borough of Queens, about 10 miles wide, with a plateau on either side of a ridge. If it were part of Syria it would be less than 1% of its territory. But it is of a supreme strategic importance to Israel. Its high ground provides early-warning capability, without which Israel–just as in 1948, in 1967, and in 1973–would be subject to surprise attack by the Syrians. Its loss would obligate Israel to stay on constant alert and to maintain a state of readiness and mobilization that would be economically and socially untenable. The Golan, which ranges up to a height of 2300 ft., dominates the Jordan Valley, the lowest point on earth about 700 ft. below sea level. On the Golan itself, there are only two natural terrain bottlenecks through which tanks can advance. Those choke points are defensible and made possible the repulse of 1400 Syrian tanks that attacked Israel in the 1973 war. But with the Golan in Syrian hands, and without the radar installations that would give Israel warning of any military movements, thousands of tanks–backed up by missiles and airplanes–could overrun Israel in a matter of hours. It would be a strategically impossible situation, especially for a country as small as Israel–smaller than Lake Michigan, smaller by half than San Bernardino County in California. The Golan does not make for perfect defense, but it gives Israel a small breathing space for mobilization.

> "With the Golan in Israeli hands, attacking Arabs could be confident of defeat and peace would be preserved. To hand the Golan to Syria is a prescription for war and for Israel's destruction."

The Golan is the source of over one-third of Israel's fresh water. In 1964, with the Golan in Syrian hands, Syria attempted to divert these headwaters and to cripple Israel's water supply. It is more than likely that, given another opportunity, Syria would once again attempt to destroy Israel's water supply.

In its keen desire to bring peace to its people, after more than fifty years of war and bloodshed, Israel has been prepared to make far-reaching concessions to Syria on the Golan, in exchange for real peace. But it is hoped that even Ehud Barak, Israel's recently-elected prime minister, will not be prepared to give up all of the Golan high ground and to return to the "death trap" borders of 1967, or anything close to them. In order to survive within such borders, Israel would have to rely on the goodwill of the Arab states, most of which—with the recent exception of Jordan and of the cold peace with Egypt—are still in a declared or undeclared state of war with Israel. An aggressor will attack only if confident of victory. With the Golan in Israeli hands, attacking Arabs could be confident of defeat and peace would be preserved. To hand the Golan to Syria is a prescription for war and for Israel's destruction.

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Bibles and Broomsticks

The rise of neo-paganism.

ROGER SCRUTON

AMERICA was founded by Christian Puritans, who had a deep aversion to idolatry, popery, and magic. The hardships and dangers of their predicament made them cling to their religion as the one thing that justified the perilous pilgrimage to the New World. And from time to time they would tremble before the thought that paganism lay not only around them, but within, where it was all the more dangerous because hidden from view. So began the trials of suspected witches and the vigilant denunciations of neighbors that tore the New England communities apart.

Constant immigration has diversified the religious inheritance of the United States. Nevertheless the country remained until recently predominantly Christian, with a continuing aversion to pagan cults and superstitions, and a trust in the Bible as the common inheritance of the Judeo-Christian faiths. Indeed the United States has been held together more effectively by its Bible culture than by its Constitution: for the Bible has shaped the language, the morality, and the aspirations of ordinary Americans and provided them with a common frame of reference. American patriotism is scarcely thinkable without the Judeo-Christian God as its Almighty Guardian, and it is hardly surprising to find that the outlying communities in America—many of them suspicious of the Constitution as a weapon used against them by urban liberals—cling to the Bible as their most trusted guide. Debates over school prayer, over creationism and the curriculum, over abortion and sex education, are not, in America, the halfhearted affairs they are in Europe. On the contrary, they are at the center of politics since they affect the deep-down loyalty of many Americans to the settlement under which they live.

Strange things are now happening to this religious inheritance. The Christian churches have clung to their congregations, but often at the cost of dividing and subdividing into ever more marginal sects, each striving to accommodate the eccentricities of some obstinate community of believers. Almost none of the old denominations retains any centralized authority that can control the doctrine, liturgy, or membership of its peripheral congregations, while new cults and new services spring up everywhere, as dormant religious passions ignite like forest fires. In Europe we observe the slow, steady decline in faith, and the gradual disappearance of human hopes behind a cloud of skepticism. In America, however, every loss of faith is met by a gain, as new religious practices rise in the places vacated by the old. That this should be happening now, in the age of scientific inquiry, is testimony to the strength of American society, which finds new sources of hope beneath the never-ending stream of disappointment. Nevertheless, these sources of hope make less and less reference to the Bible and the Judeo-Christian tradition and are more and more pagan in tone. That which the Pilgrim fathers found most horrendous—witchcraft—is the latest, and one of the most successful, among the pagan cults now colonizing America.

Of course the witches—devotees of "Wicca," as they like to say—strenuously argue that their faith has been traduced in the past, that it is older and deeper and more spiritual than Christianity, and that it was branded as evil only because it was seen as a threat to the "patriarchal" culture. And by way of proving the point they have cobbled together a very up-to-date and user-friendly version of goddess-worship, which answers so well to the spiritual hunger of modern Americans as to cast serious doubt on its antiquity. Their basic principle—"Harm none and do what you will"—is the gospel of liberalism dressed up as law, rather than the lack of it; their "covens" are in many cases vamped-up feminist circles, devoted to boosting the confidence of women downtrodden by men, or at any rate by their own image of men; their symbols—the pentagram, the altar, the nine-inch daggers or "athames," the long robes, and the leaping over flames—may have ancient precedents, but they come to the Wiccans from 19th-century charlatans like Eliphas Levi and Aleister Crowley, men who cannily judged the spiritual hunger of the new middle classes and thereby notched up women by the score. Indeed, as Philip G. Davis has shown (*Goddess Unmasked: The Rise of Neo-pagan Feminist Spirituality*), the Wiccan theology is derived not from the old forms of goddess-worship, but from the writings of 19th-century commentators like Johann Jacob Bachofen, who invented the notion of a lost matriarchal past in a work that is now entirely discredited.

FEEDING A HUNGER

Still, religion will survive any amount of skeptical scholarship, and the Wiccans are no exception. They offer the commodity for which modern Americans are hungry—the conversion experience, the transition from dark to light, lost to found, outsider to insider. In comparison with this redemptive gift, other things are of no account. The covens have been spreading through the suburbs; even the military now recognizes the Wiccans as a "minority religion," with the right to hold rituals and classes for serving personnel. Weak though their doctrines may be from any intellectual or historical perspective, they are a triumph of applied anthropology. Feminism, environmentalism, and liberalism all come together in a religion that recognizes the goddess as the object of worship, the priestess as her representative, and the earth and its seasons as the source of sacred rites.

It is tempting to regard the Wiccans in the same light as the other cults that have recently sprung up in America—the Branch Davidians, Heaven's Gate, the Moonies, the church of the notorious Rev. Jim Jones. There are, however,

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two important features that distinguish them. There is no leader or founder of the Wiccan cult; and there is no sacred text. Witchcraft is a religion without any structure of command and without any written law. True, there is an attempt to compensate in the use of antique and fustian language—"yclad," "mote," "hallowmas." But the religion recognizes no objective authority to which the worshipper must submit. On the contrary, it is a religion of "empowerment," to use the feminist word. Spells and brews, chants and talismans are all weapons in the hands of the individual Wiccan, who gains power over self and others through the manipulation of things. True, the Wiccan draws on mysterious cosmic forces; but the purpose of the spell and ritual is to join these forces to yourself—to amplify your own power and so achieve a kind of here-and-now redemption.

THE WICCAN'S POWERS

In this, at least, the Wiccans are close to the witches as they were once imagined. The witch was anathema to the Christian believer because she had arrogated to herself the powers that belong to the Almighty. Her spells were the antithesis of the sacred text—indeed, it was often thought that they consisted in reciting Biblical or liturgical texts backwards. For they were expressions of the individual will, rather than admonitions and counsels of a higher power. All the discipline of religion—which consists in obedience to the divine command and a day-to-day study of its meaning—was negated in the Puritan image of the witch, which is why witches were so greatly feared. They were the archetype of the liberated human being—the human being who had stepped free from the chains of morality and seized the world and its glories for herself.

For this very reason, however, witchcraft has a singular appeal to modern Americans, increasing numbers of whom are brought up without any knowledge of a sacred text and without the language and the concepts of the Judeo-Christian tradition. The idea that religion might be a matter of *obedience* and *example* strikes them as weird; the idea that it is a matter of the *self* and its *empowerment* connects immediately with the surrounding secular culture.

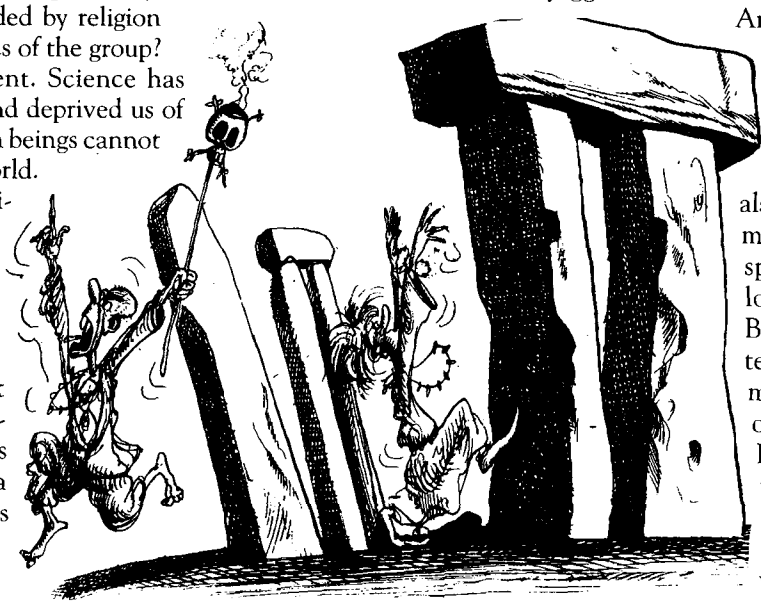
But why isn't feminism enough? Why the need for a Wiccan *religion*? What is added by religion that is absent from the politics of the group?

The answer is enchantment. Science has disenchanted the universe and deprived us of our place at its center. Human beings cannot live with this demoralized world. They need to see their environment as their tribal forebears saw it: as an enchanted place, which mysteriously returns our glance. The spell answers directly to this need, since it enables the witch to reanimate her universe. It gives supernatural power to a human being, and so rescues her from nature.

Rituals, spells, and incantations are deliberate defiances of reason. They place nonsense in the center of people's lives and ask them to unite in believing it. People on their own are nothing—victims of the natural world, and at the mercy of their own skepticism. People in a group, however, have a power that is more than the sum of their individual efforts. And the spell symbolizes this power. Alone you could not possibly believe in it, since alone you have only reason as your guide. Together, however, you can believe anything. In short, the Wiccans have rediscovered the phenomenon observed by the anthropologist Arnold van Gennep—the rite of passage, which purges the individual of his isolation and grants him membership in the tribe. The rite of passage works by summoning occult powers, by standing outside nature and against it, and by reassuring the individual that, absorbed into the community, he cannot be harmed.

And that is what is missing from modern life, and especially from life in the American city. The most important rite of passage in recent Western societies was marriage—the consecration before the community of a lifelong commitment. The collapse of marriage is not the result of feminism, but the cause of it. Without lasting marriages, women have no real guarantee of security, and no reason for trusting men. If men cannot be trusted, then women have to set up on their own. Feminism turns on the masculine realm and deconstructs it, representing it as a realm of lies, manipulation, and the brutal misuse of power. It thereby reassures women that they don't need men in any case. But it relies on rational arguments, sociological theories, and objective policies—so leaving the heart unconsoled. What is needed is a new form of membership, a new rite of passage, and a new lifelong commitment—hence a new form of nonsense. In other words, what is needed is witchcraft. This is surely why the Wiccans are expanding, even though they have neither a leader, nor a doctrine, nor a text.

On the other hand, a cult that spreads so quickly, and that has so little substance when it comes to answering the great metaphysical questions, is ripe for takeover by the real witches. Strong personalities like Aleister Crowley preyed on the vulnerable loners who had lost their religion but not their religious need, and who wanted to throw themselves beneath the juggernaut of some crushing ego. Modern America has seen the emergence of these leaders—Koresh and Jones being symptomatic. And it has discovered that their promise of a new life is also a death threat. For the moment, the Wiccans speak only of peace and love and finding oneself. But without a doctrine or a text to protect them, they may soon find themselves opening the door to the Devil. Those old Puritans were wrong about many things; but they were not entirely wrong about witchcraft. **NR**



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Privacy, Please

Thinking about a troublesome concept.

RICHARD A. EPSTEIN

WORRIED about privacy? You have good reason. But at the same time, you may find it difficult to decide whether a strong privacy right is friend or foe. *Your* privacy is fine, even sacrosanct. But the privacy of the other fellow could easily cut you off from information you need for self-protection. The tension between our dual role as information-hoarder and information-seeker is inescapable. Just this past year, Intel was criticized for trying to market a new chip with a serial number that critics claimed would allow government agencies to follow a user's every online move. Elsewhere, the federal government has been fighting a losing battle to get a backdoor key to every confidential transmission of sensitive data over the telephone and the Internet. How should we apply the traditional construct of privacy rights to the lengthening list of challenges to privacy in the cyber-age?

The privacy principle is invoked in so many different contexts that it is hard for us to know which claims to accept and which to reject. If you think abortion should be legal, it might be because you believe in a woman's constitutional right to privacy. If you want to make sure your employer or your insurer never sees your medical records, invoke privacy. If you want to keep unwanted solicitors and callers from your doorstep, privacy is the key principle yet again.

A neat resolution of the privacy issue will remain elusive. It is possible, however, to chart a rough path through the maze—but only by resisting the temptation to wallow in the novelty of recent manifestations of the privacy debate. What we must do is return to the fundamental principles that determine the rights and duties of individuals to each other and to the state.

Let us declare, as axiomatic, the libertarian presumption that all individuals should be free to do as they like. One crucial defense of that proposition was stated by John Stuart Mill: When we allow freedom of action, at least one individual will benefit, and no other person will be harmed. A freely chosen action thus results in a social gain that all should accept and none should oppose.

This presumption, however, is far from absolute. When the action of one person involves the use of force or fraud against another, the balance of gains and losses veers sharply in the opposite direction. In this context, we can find a loser to match up with the winner, and can be confident that the magnitude of the losses (as from a killing or wounding) dwarfs the potential gains. State intervention should therefore be invoked to ensure that the liberties we cherish are not undone. Individuals have a right to be protected in their persons and property against the aggression and machinations of others.

We should embrace, presumptively, the opposite attitude toward voluntary exchange. When two or more parties consent to a transaction, there is good reason to believe that all will benefit. Freedom of contract thus expands both liberty and property. To be sure, this presumption, too, can be overridden, as when two or more individuals plot to rig markets. The systematically negative effects of these arrangements lead us to rename them conspiracies and combinations—transactions to block, not to foster.

These strictures, however, do not cover the entire legal landscape. When substantial social gains can be achieved only through the cooperation of many individuals, one person can sometimes thwart the entire project by holding out for the lion's share of the gains. The use of the eminent-domain power brings that holdout in line, not by punishing him, but by forcing him to take just compensation for the property surrendered. When land is taken for a fort or a post office, the compensation will usually come in cash. But when a limitation restricts only one's freedom of action or property use, the compensation may come in the form of a like restriction on the freedom of other individuals. We do not give cash compensation to individuals who are thinking of rigging markets. We offer them, instead, the parallel protection against the market machinations of others.

These basic principles will help us to sort out the various claims of privacy.

CASES PAST AND PRESENT

The earliest judicial claim for invasion of privacy arose in 1902, when Franklin Mills Flour placed Mrs. Abigail Roberson's picture on its handbills over the name of the company, and under the words "Flour of the Family." So distraught was Mrs. Roberson that she rose from her sickbed, to sue for damages. She believed the advertisement constituted defamation. Also, the flour mill appropriated her picture for its use, but in ways that did not obviously fall within the usual prohibition against force and fraud.

The New York court sent her back to bed empty-handed. It feared that a finding of invasion of privacy would encourage individuals to sue whenever their name or likeness appeared in a news story, especially one containing comments of a critical nature. This would have been harmful to society, by deterring the publication of truthful information that helps individuals make judgments about whom to elect or throw out of office, or whom to imitate or disdain.

Although Mrs. Roberson's broader claim for privacy fell flat, her narrower commercial claim gave rise to a thriving industry. In the aftermath of her defeat, the New York state legislature promptly created a new property right, authorizing people to sue for damages and injunctions when their name or likeness has been used for "trade or advertising purposes." Other states soon fell into line.

Ironically, Mrs. Roberson's quest for solitude has led to a century-long procession of entertainers and athletes basking in highly lucrative publicity. The right of privacy was transformed into a right of publicity, with name or likeness as just another

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form of intangible property to be sold to the highest bidder.

Today, this publicity right is taken for granted; only its limits are contested. Tiger Woods, for example, is suing painter Rick Rush for painting him. Rush isn't using the work of art in an advertisement—a clear no-no—but he's arguably using it for the purposes of trade, since he hopes to sell it without compensating Tiger. But Tiger doesn't collect tribute from a sportswriter who publishes an unauthorized account, so why here?

That's the troublesome "publicity" side of privacy law. But the other side of privacy, symbolized by the reclusive Mrs. Roberson, concerns what Justice Brandeis once termed "the right to be left alone." Privacy of this sort has long been protected by that old standby, "Do Not Trespass." The trespass laws keep folks from snooping around your backyard. An old tort protecting the exclusive possession of land has thus been happily refitted to protect personal privacy.

But the privacy interest runs deeper. To use Blackstone's example, what if a man hangs from the eaves of his house to overhear what goes on in yours? The libertarian can take comfort in this generalized principle for public regulation: Everyone is better off if all eavesdropping ceases. This principle covers not only Blackstone's ancient eavesdropper, but today's government agent or private investigator who beams a parabolic microphone into your window. The Warren Court did at least a few good things, and one of them was to hold that police uses of these distant listening devices are subject to the same constitutional restrictions as ordinary bedroom searches.

Lately, however, this principle has been eroded, even in trespass cases. In one case, a *New York Post* photographer sneaked onto the grounds of a psychiatric hospital to take a picture of Hedda Nussbaum, only to catch the plaintiff (whom I shall not name) in her party. Her doctors pleaded to no avail with the *Post* not to publish the picture, lest people outside her immediate family discover her whereabouts. But the New York court held that the First Amendment's news-gathering privilege protected its publication. But why? Freedom takes place within the limits of property; the *Post* could not publish confidential records listing the plaintiff as a hospital patient, even if they were true. It was up to the plaintiff to decide who should know of her confinement, and who not. In addition, the hospital could have enjoined the photographer's trespass. Why, then, can it not suppress the fruits of this illegal action, or at least have its patients recover damages for it?

If the privacy right is good against the government, it should be equally good against the press. Surely, the press has no greater reason to snoop on private property than the police.

This case shows that the privacy right lines up tolerably well with individual liberty and private property. The debate over FBI surveillance also illustrates this congruence. For a long time now, the FBI has taken the position that it should have a back door into every confidential telephone communication to conduct surveillance against potential criminal activity. The end is surely laudable, but the means are not. The privacy accorded confidential communications by strong encryption helps protect ordinary medical and financial records from the prying eyes of the state and other interlopers. If we weaken the encryption, criminals may be the first ones to take advantage of the weaker security. The appropri-

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ate rule is not a blanket weakening of privacy protections, but the continued demand that the police meet the time-honored constitutional standard of probable cause. It is not surprising that the government has backed away from its position, which was a clear overreach.

COMPLEXITY AFTER COMPLEXITY

Thus far I have shown how traditional claims of privacy buttress a system of individual liberty and private property. But it is a sign of the complexity of privacy discourse that the same claims can be made in a completely antithetical cause. Some years ago, I worked briefly on a case in which a major credit-card company was sued for using its billing records to help target direct-mail campaigns by keying the solicitations to products similar to those the customers had previously bought. Some subscribers and privacy advocates opposed the program because it used confidential information for collateral purposes. But the objections were, in my view, wholly misplaced. Credit-card companies do not give out a list of names to potential advertisers, who could use them again and again. What of the response of customers? Generally, it is one of relief: Lots of junk mail never materializes, and the stuff that does arrive actually holds some interest. It is easy enough to allow any cardholder to withdraw from the program on demand, but few take the option. Here the claim of invasion of privacy is effectively overridden by a showing of individual consent.

And that gets us back to the much-criticized Intel chip, which was designed to give vendors and their consumers greater security for e-commerce. The embedded serial number helps establish that the buyer is who he says he is. Yet suppose some customers recoil at the thought of being so identified. Intel has reprogrammed its chip so that in its default mode the identification feature is in the off position. Customers who want the privacy may now have to pay the price in reduced convenience for online business. They may find fewer merchants to do business with, and those who remain may assess fees to cover their higher costs. Well and good. There's no abstract way to decide whether the loss of privacy is outweighed by the additional commercial security. Nor is there any need for privacy or commercial groups to make that decision for us on a one-size-fits-all basis. The chip feature is available, and the pressures of supply and demand should tell who will use it and when. The situation thus differs markedly from the government efforts for backdoor keys into private conversation, because, in this case, consent erects an important barrier against Big Brother.

The relationship of freedom to privacy gets even more complicated in other contexts. Consider the sensitive question of confidential medical records. People can instruct their hospitals and physicians to keep this information out of the hands of strangers. In large-scale clinical trials, it is customary to remove the names and other identifying marks of individuals whose cases are included. This protection of the privacy interest does little to impair the effectiveness of the studies.

But it hardly follows from this one example that medical information should always be kept confidential. The privacy interest seems strong enough when strangers just ask for your medical records. Yet the situation changes significantly when individuals wish to keep private information that is of value to their trading partners. Suppose, for example, that I want to obtain a job that requires good judgment, steady character, and the ability to work long hours. Can I keep from my prospective employer a medical history that indicates serious medical illness or a juvenile criminal record? The modern response to this question, all too often, is yes. Youthful criminal records are often expunged so that public authorities do not know what offenses individuals committed some years ago. Moreover, both federal and state disability-discrimination laws forbid employers to use information about health or criminal activities in making their decisions to hire and fire.

WHERE TO DRAW THE LINE?

In this context, we see privacy run amok. Rather than functioning as a bulwark of freedom, it becomes, not to put too fine a word on it, a handmaiden to private fraud and government domination. This concealment does not just protect privacy and tranquillity; it forces other people to part with hard cash against their will.

Take the simplest case: insurance. The traditional common-law view was that the potential insured was under a duty to volunteer all information material to the insurer's decision to take or to price the risk. Information was power, and the law helped to equalize the advantage possessed by the *insured*. Modern privacy advocates want to do a fast 180-degree turn on this question, by forbidding insurers to ask about medical conditions material to the risk, such as AIDS, a genetic predisposition to breast cancer, and preexisting medical conditions. The deliberate suppression of information leads to a large, implicit transfer of wealth: An expected $10,000 loss is covered for $500, forcing the employer or other insured parties to pay a huge surcharge. Some will simply decide that it is better to do without insurance altogether than to pay the subsidy. Others will seek to tailor the coverage in ways that minimize their outsized exposure. These countermeasures have at best fitful success, and often invite a tough regulatory response that tightens the noose further. It should come as no surprise that the number of people without health insurance has risen over the past generation.

When privacy teams up with genetic or employment anti-discrimination laws, it is invoked to defeat freedom of contract, not to support it. Far from extending the perimeter of one's person outward in ways consistent with the like liberty of others, it allows one group of individuals to deceive another, and through that deception to take the wealth of others. The tacit principle at work here is that undeniable cases of individual need justify theft from other individuals.

The better approach, by far, is to put aside the mantra of privacy altogether and ask one simple question: To what extent should healthy people be forced to subsidize the health care of their less-fortunate fellow citizens? Once that question is determined in an open and public debate, then we can use a transparent, on-budget tax expenditure to pick up all or some of the cost.

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THE BIG QUESTION: ABORTION

Last, but not least, one comes to the question of abortion. Here the claim is that a woman's right to privacy (understood as the right to control her own body) drives us toward the constitutional protection of the right to terminate a pregnancy. The constant invocation of privacy in this context is odd, to say the least: The issue is not whether other individuals will learn about your behavior. Rather, the question goes to the reach of a woman's autonomy. Most pregnancies are the result of voluntary sexual relations, so the question boils down to whether the woman's autonomy right over her own body allows her to terminate a pregnancy.

The obvious limitation on this exercise of liberty is the classical Millian harm principle: You cannot exercise your liberty in ways that harm—in this case destroy—another person. The invocation of the privacy interest does nothing to address the question of whether abortion falls within the general rule of liberty or squarely within, as seems more likely, the harm exception, if the embryo after conception counts as a person. At this point, advocates of abortion could insist that termination of pregnancy is justified because of the undue strain it puts on the mother. In the world's worst analogy, Judith Jarvis Thomson claimed some years ago that carrying a child to term is a Kafkaesque experience—like waking up one morning to find yourself hooked up without consent to a distinguished violinist who uses you for a life-support system. The commonplace and the grotesque thus become one.

At this point, the argument raises serious moral and enforcement issues. How they should be resolved may be an open question. But even so, this short discussion should achieve at least one goal: The case for abortion is not clinched by the invocation of some "fundamental right" to privacy. It rests on a complex evaluation of competing issues of moral judgment and practical enforcement. My own sense is that the defenders of abortion cannot quite wriggle free of the Millian harm exception to the basic principle of individual freedom.

For the time being, we are in overdrive on the question of privacy. The term can be invoked by those who believe, as I do, in the classical virtues of limited government, and with equal earnestness by the champions of the modern welfare state—who first undermine the traditional use of state power to prevent harm and then, in the next breath, see no limits on the power of the state to take from A and to give to B in the name of redistribution. The classical liberal and the modern welfarist theories of government are utterly antithetical to each other in aspiration and effect. The equivocation over privacy takes us first to one side of the line, and then quickly to the other. Both in theory and in practice, however, we have to choose our definition of privacy as we choose our theory of government. I'll cast one vote for the classical liberal conception. **NR**

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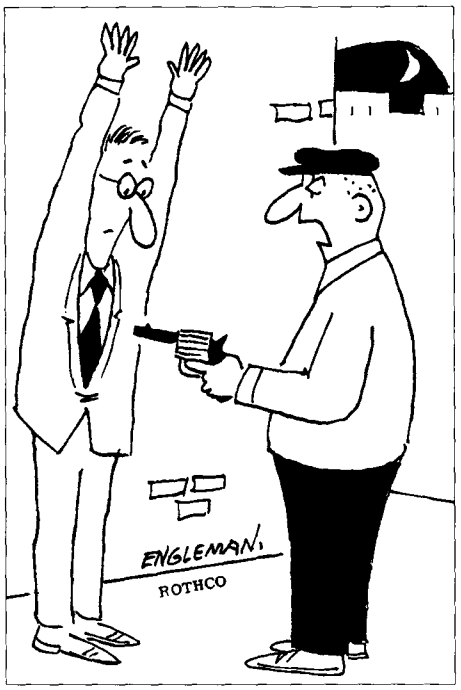

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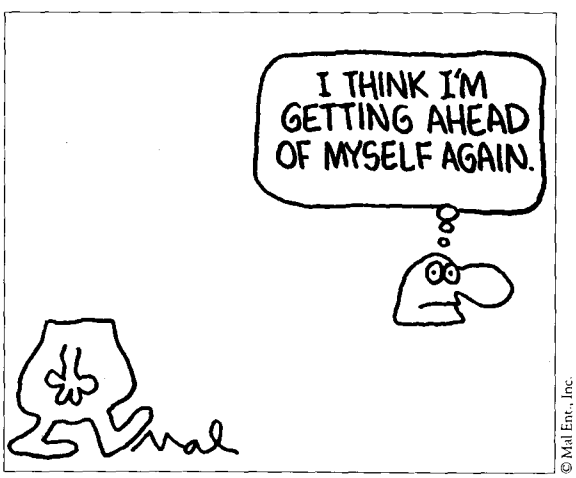

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FROM THE DESK OF H. ROSS PEROT

September 8, 1999

Dear Pat:

Like your style. Like it a lot. I like the way you stick out your hands like you're catching a basketball. And I like the way you talk. You talk fast and I like that.

Wondering where I've been for the past couple of years? That makes two of us. Sitting in my office one day and bam! The lights just went out and I took a rest. Then suddenly the lights went on and here I am! Don't know where I was. Some kind of soft green meadow where my grandma and grandpa were. Spent some time talking to a big warm light. Then bam! Suddenly it's 1999 and I'm back here in Dallas watching George W. Bush sell this country to people who want to make us all drive Mexican cars.

You know and I know that George's boy has got this thing sewed up. And don't tell me about him, because he's the one who wanted to disrupt my daughter's wedding. I have proof of that in a file that I keep in a safe place, so don't go thinking you can get to it because you can't.

Can I finish?

Okay: So the situation, as I see it, is that you can't win in the one party. Simple solution. Didn't take a brain surgeon to figure it out, just some simple common sense.

Join ours.

Can we talk turkey? Can I get completely frank with you for five seconds?

What I want is 1) for you to let me finish, and 2) a healthy exchange of ideas. See, I don't own the Reform Party. Okay? The Reform Party is wholly owned by the American people. Whom I love.

So here's what I'm saying. Can I finish? Can I please finish? Okay: Here's what I'm saying. You interested in running on the Reform Party ticket? As my number two?

There. I'm finished. You can talk now.

Sincerely,

Ross Perot

FROM THE DESK OF H. ROSS PEROT

September 8, 1999

Dear Bill:

Like your style. Like it a lot. Liked it back when you were in the Senate. Liked it when you played for the Knicks. Like the way you campaign, too. Simple. Direct. And I really like the way you spend a buck. Meaning, you don't.

Here's the situation. It doesn't take a wizard from the Land of Enchantment to see that Albert Gore's son has got the nomination all sewed up.

The question you have to ask yourself is: Is this how I want it to end?

The Reaper comes for all of us, Senator. And when it does, do you want to be remembered as just another Askew? Just another Alan Cranston?

Let me finish, okay? Well, do you?

You and I aren't on the same page on a lot of issues. I'm not all that sure the American people are best served by being forced to watch a lot of Canadian television. Maybe you can enlighten me on that score.

Maybe not. But I think we agree on a few key things. Number one: The only way to win is to win. And B), the American people deserve people like us.

I know you're wondering where I've been for the past few years. Not really sure myself. I was sitting on a patio chair in 1997 or thereabouts, felt a tingling, tingling, taste of copper. Next thing I know I'm floating kind of above the Oval Office in an invisible helicopter. Then I'm talking to a very wise lion. Then, suddenly, it's 1999 and I'm writing to you. Just shows you that life's funny. Don't need a Ph.D. to tell you that.

So here's what I'm saying. Can I finish? Okay: Here's what I'm saying. You interested in running on the Reform Party ticket? As my number two?

You're kind of tall, so you'll have to stand way behind me.

Sincerely,

Ross Perot

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Prisoner of Conscience

GEOFFREY NORMAN

Faith of My Fathers, by John McCain, with Mark Salter (Random House, 349 pp., $25)

ON July 29, 1967, Navy flier John McCain was sitting in the cockpit of an A-4, on the deck of the U.S.S. *Forrestal*, when stray voltage somehow launched a Zuni rocket hung under the wing of another airplane. The Zuni hit the external fuel tank of McCain's A-4, which burst into flames.

When the fire started, the *Forrestal* was preparing to launch strikes against Vietnam. Its flight deck was crowded with planes loaded with bombs. Other ordnance was stored on the flight deck and below, in the hanger bay. The bombs, including those attached to McCain's plane, quickly began cooking off.

The ship was in peril. It burned for almost two days. Bombs shredded the flight deck. Burning fuel dropped through the holes into lower decks, spreading the fires.

The *Forrestal* survived, though badly crippled. One hundred and thirty-four men were killed, and the ship was put in the yards for more than two years. The damage would have been even more catastrophic had it not been for the heroism of men who fought the fires and were seen wading into the flames to lift bombs and manhandle them off the deck and into the sea.

To survivors of another war, the *Forrestal* no doubt resembled carriers

John McCain by Roman Genn

with names like *Bunker Hill*, *Randolph*, and *Hancock*, which blazed in the bright Pacific after they were hit by Japanese bombs or kamikazes. Those ships had been part of Task Force 38, one of history's legendary naval formations, under the command of Vice Admiral John S. McCain, the unfortunate A-4 pilot's grandfather.

With the *Forrestal* out of action, its squadrons had no deck to fly from. Pilots from those squadrons had to be reassigned. They could, in short, go home. McCain had flown five combat missions—enough, that is, to have been disabused of any notions he may have had about easy glory in the air war over Vietnam. Still, he asked to be reassigned to the U.S.S. *Oriskany* and one of the hardest-flying A-4 squadrons in the Navy. After spending a brief leave in Europe with the woman he had recently married, he reported for duty. On October 26, 1967, he was shot down over Hanoi and taken prisoner. While he was a POW, his father—son of TF 38's commander—would assume command of all U.S. forces in the Pacific.

John McCain, of course, survived captivity to become a senator from Arizona and a Republican candidate for president. His story would have made good material for a book in any year. But coming this year—more than a quarter-century after McCain was repatriated from North Vietnam—*Faith of My Fathers* has to be considered a campaign book. Many books have been written about the Vietnam POW experience, and several POWs have told their individual stories in print. Many of those men were obscure personalities when compared with McCain. Because of his father's high rank, he was the one of the most celebrated prisoners held by the North Vietnamese, the subject of news stories, crude propaganda stunts, and several offers of early release. This celebrity status held up right until the end, when the North Vietnamese offered to hand McCain over personally to Henry Kissinger as a kind of trophy. Kissinger wisely refused the offer. If he had agreed, McCain—who was, in POW parlance, a "good resister"—certainly would have refused the offer.

But if *Faith of My Fathers* is a campaign book, does this mean that it is necessarily a bad book? A self-serving book? A suspect book? Actually, none of the above. It is, as they say, a good read, which even registered Democrats and just about anyone on the political spectrum right of Jane Fonda would find engaging, sometimes funny, and often profoundly moving. John McCain lived a colorful life as a Navy fighter pilot and admits as much. He tells of crashing airplanes and dating strippers, though he is discreet, almost prim, when it comes to the details.

As noted, McCain was one of the "good resisters" in the North Vietnamese prison camps. A man I once interviewed remembered him fondly for his ability to confound his captors and "get in their knickers." McCain endured the cruelties and brutalities that the Vietnamese routinely inflicted on their captives. He was beaten senseless. Locked

Mr. Norman, editor-at-large of *Forbes FYI*, is author of *Bouncing Back*, an account of the American POW experience in Vietnam.

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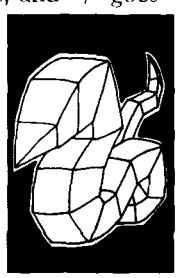
in solitary. Hung on ropes. He was broken, at one point, and gave them what they wanted—propaganda. When he had recovered his strength, he went back to being a resister.

The son and grandson of admirals, McCain went into the Navy the same way other men go into the family business. His grandfather was Admiral William Halsey's friend and among his favorite subordinates. Sailed with him through the best and worst of the final days of the Navy war in the Pacific. Admiral McCain was with Halsey on the decks of the U.S.S. *Missouri* when the Japanese surrendered, and also when Halsey ran the fleet through a typhoon (he did this twice; he was a fighting admiral but not necessarily a prudent one).

John McCain's father was a submariner who commanded a boat that survived depth charges in one of those attacks that merely reading about sets off all one's claustrophobic alarms. Much later, he assumed the thankless post of commanding U.S. forces in the Pacific during the long winding-down of the Vietnam War. When Admiral McCain gave the order to send bombers over Hanoi, his son was in the target area, in a North Vietnamese prison camp. They were both doing their duty.

All this—the family stories, the naval history, the fighter-jock anecdotes, and the stoic bravery of the POWs—makes for a large, almost unwieldy, and sublimely American story. The book is compelling in spite of some literary flaws, especially a tendency to tell the reader what lesson to draw from a story that needs no interpretation.



But what about the really important question: What kind of campaign book is it? Well, it is hard to imagine that anyone who is inclined to vote for John McCain will change his mind after reading this book. Nobody is going to switch parties and vote for Al Gore when he learns that McCain's grandfather played the horses, that his father and mother eloped and got married in Tijuana (can you imagine?), or that the author himself once dated a stripper who called herself "The Flame of Florida." McCain may be the anti-Clinton, positive pole to the president's negative—but he was never a saint. He does, however, appear to have grown up.

He has also learned that there are things greater than himself and his own destiny. There is an honest modesty here, as opposed to the fake kind that is hard-wired into most authors of campaign books. If John McCain thinks himself a war hero—or any other kind—it surely doesn't come through in these pages.

He does consider himself a patriot. But of the authors of campaign books in general it could certainly be said, "Don't they all?" Well, yes. But if you are yourself a patriot and you find yourself stirred by stories of honest patriotism, then you will surely find *Faith of My Fathers* irresistible.

Liberal readers, meanwhile, will note with dismay that nothing much indicates that McCain grew up committed to diversity, women's liberation, a clean environment, gun control, or smoke-free restaurants. (He does admit to enjoying cigarettes while he was a guest of the North Vietnamese, so maybe he is trying to balance his support of last year's anti-tobacco bill.) He doesn't say a word about campaign finance or putting computers in every classroom. Probably never came up in the *Oriskany*'s ready rooms or the prison camps.

Just about the only policy message evident here is that if the United States goes to war under President John McCain, then the enemy had better buckle his chin strap. The U.S. will fight to win, and no flier will be shot down on some niggling mission that the president has vetted for political sensitivity. But we knew this already, from McCain's stand on Kosovo. McCain and his father believed Lyndon Johnson's bombing strategy was flawed. It took a draft dodger from those Vietnam days to make a convincing, empirical demonstration that air power might just be capable of winning a war after all.

Which, perhaps, is to say that the country can stand just about anyone as president (and probably has) as long as it keeps producing men, and patriots, like McCain. Though he would probably argue that better men than he perished in the terrible *Forrestal* fire, the country is fortunate that he survived that day. **NR**

Irish Ever After

PETE HAMILL

'Tis: A Memoir, by Frank McCourt (Scribner, 367 pp., $26)

The Great Shame: And the Triumph of the Irish in the English-Speaking World, by Thomas Keneally (Doubleday/Nan A. Talese, 736 pp., $35)

THE Irish diaspora is a tale of such extraordinary complexity that even a crowd of monks, laboring in a sanctuary on some wind-blasted rock with access to all the resources of the Internet, would be sorely pressed to tell the entire tale.

The shape of the larger narrative is, of course, generally known. From the time of Elizabeth I until the early 1920s, the story of Ireland was the story of an oppressed majority. The English colonial settlers were a small fraction of the population of Ireland. And for centuries, this minority used force of arms, a corrupt legal system, religious division, and a snarling cynicism to maintain an iron grip on their stolen property.

To be sure, many of the Irish resisted; sporadically, they rose in foolishly brave rebellions that were put down savagely. But the English attacked the Irish spirit in other ways—with networks of spies and informers who made uncertainty part of the Irish character, and with the impositions of codes of manners intended to make the Irish feel permanently inferior. The urban Irish were forced to bend to the minority power, collaborate with it ("taking the king's shilling"), and surrender their language and religion, or be cast out to the margins of society. The immense numbers of rural Irish were deprived of property rights, education, and religious freedom, forced to subsist on the potato, while paying rents to English landlords and tithes to the

Mr. Hamill is author of the memoir *A Drinking Life*. His biography of Diego Rivera will be published in October.

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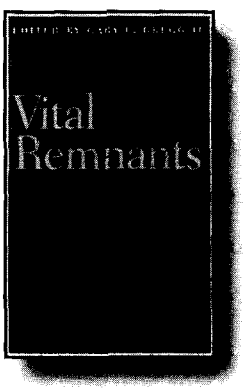

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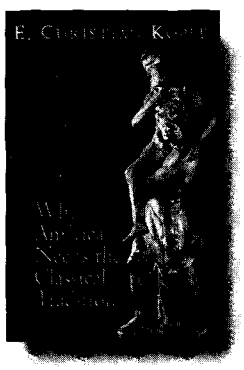

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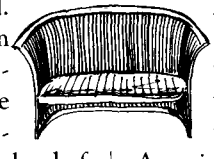
Church of Ireland (which they did not attend). This vicious system was perfectly designed for maintaining power (Oliver Cromwell was one of Hitler's heroes), but it created a seething population. The calamitous British mismanagement of the 1846–52 famine removed from the Irish any temptation to believe in the myth of British justice. Hundreds of thousands of the Irish died; more than a million would cross the Atlantic, in desperation and hope, to America. That great migration changed the United States, and changed Ireland too.

"An entirely new factor has appeared in the social development of the country," wrote Oscar Wilde in 1889, referring to Ireland,

> and this factor is the Irish-American, and his influence. To mature its powers, to concentrate its action, to learn the secret of its own strength and of England's weakness, the Celtic intellect has had to cross the Atlantic. At home it had but learned the pathetic weakness of nationality; in a strange land it realized what indomitable forces nationality possesses. What captivity was to the Jews, exile has been to the Irish.

In their separate ways, these two fine books confront the realities of exile, the long leaving of Ireland by Irish people. It is a measure of their value that they add new dimensions to the story without in any way inflating it, or reciting a mere catalogue of injuries.

Frank McCourt's book is a continuation of the personal story begun in his superb, and astonishingly successful, *Angela's Ashes*. Part of the harrowing, accumulative power of the first book lay in its clear-eyed focus on an Ireland from which the British had departed. For millions, that departure from 26 of Ireland's 32 counties removed a factor that had become a crucial part of the Irish character: a sense of the enemy. The Ireland of Frank McCourt's childhood was the Ireland of Eamon DeValera, the cold, autocratic politician who dominated Irish life for a half-century after Irish independence in 1921 (and who, like McCourt, had been born in New York). That is, it was the country of DeValera's peculiarly anti-modern utopian vision: rural, Catholic, neutral. The country was priest-ridden, oppressed by an obsessively puritanical censorship (you could buy whiskey, but not James Joyce), economically backward by design.



The gray bitter drizzle of the DeValera years, the emptiness and hardship, can be sensed in many of the stories of Frank O'Connor, in the poetry of Patrick Kavanagh, and in *Angela's Ashes*.

In *'Tis*, McCourt tells the story of his escape from Ireland to that dreamed-of city of his birth, New York. He fled in 1949, with $40 in his pocket, 19 years old. He had left school after the eighth grade. He had bad teeth and infected eyes, conditions that serve as recurring motifs in this second memoir, perhaps symbolizing the damage done to him physically and psychologically in Limerick.

"The minute I made some money in America I'd have to rush to a dentist to have my smile mended," he writes. "You could see from the magazines and the films how the smile opened doors and brought girls running and if I didn't have the smile I might as well go back to Limerick and get a job sorting letters at the post office where they wouldn't care if you hadn't a tooth in your head."

We never learn when he had the bad teeth repaired. The same is true of his eyes, rimmed with caking yellow pus. At one point, he mentions conjunctivitis. It's as if in some deep recess of his Irish heart, he believes that fixing his teeth and his eyes would be a double sin of vanity. In New York, he finds work, almost immediately, through a priest with Democratic-party friends. He met the priest on the ship; later the priest would make a pass at him in a hotel room. At the Biltmore he is assigned to a menial job, sweeping up in the lobby. His American life begins.

Much of it is at first a social torment, a period of adjustment through which all immigrants must pass. He carries an American passport, but he has a Limerick accent. He is afraid to open his mouth—partly because of his teeth, partly because of the accent. He looks at college boys and girls in the Biltmore lobby and is sure they would laugh if he spoke to them. He carries around the permanent baggage of shame: ashamed that he only finished the eighth grade, ashamed because during the war his father chose to drink in England while his children starved in Ireland, ashamed because his all-too-human mother, Angela, fell in her loneliness and abandonment into the arms of an uncle. He can tell nobody in America any of this. Instead he continually thinks about what he wants to say, but doesn't. That interiorized impulse is the beginning of his vocation as a writer.

By insisting on the importance of the local, McCourt expresses many emotions felt by millions of other immigrants, of every nationality: solitude, bafflement, social clumsiness, inadequacy, the confusions of personal freedom, and the see-

■

It's as if McCourt believes that fixing his teeth and his eyes would be a double sin of vanity.

■

sawing emotional pull of the country left behind. This memoir complements in many ways the story told by the fine Australian writer Thomas Keneally, author of 23 works of fiction including, most famously, *Schindler's List*.

The time is different; most of Keneally's history takes place in the 19th century. But woven subtly through his long, powerful, understated narrative are threads essential to the fabric of McCourt's work, and other accounts of the Irish diaspora: the feeling of apartness, of social dislocation, of the knowledge that the Irish could never—through any kind of oppression, seduction, or alchemy—become British.

As an Australian, Keneally correctly concentrates much of his work on the experience that the Irish were forced to undergo in that country so far from Ireland. He focuses his attention on several generations of Irish people who were sentenced to transportation to Australia by the British. The first group was made up of semi-anarchic Irish rebels called Ribbonmen, who in the 1830s resorted to violence against landlords and their properties. The second were part of the 1840s movement called Young Ireland, whose leaders were well educated and included a good number of Protestants. The third wave was composed of militants of the Fenian Brother-

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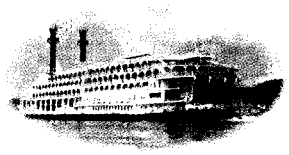

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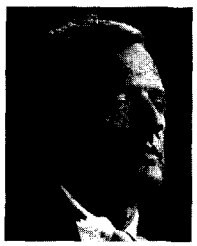
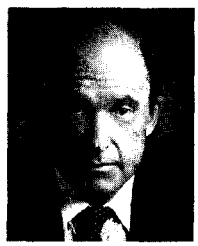

William F. Buckley Jr.

Robert Bork

José Piñera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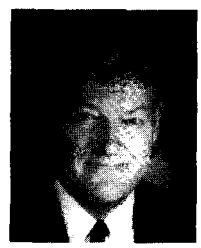
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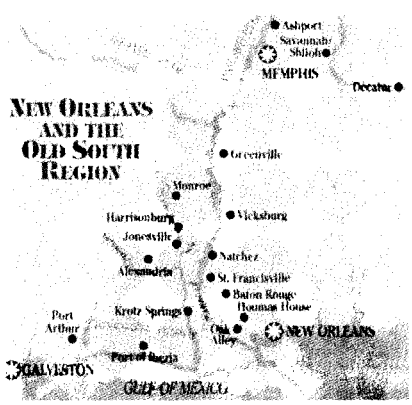

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hood, established in 1858 with the goal of achieving independence for Ireland through any means necessary.

Clearly, Keneally has absorbed the vast primary-source literature of the period, and made use of much modern scholarship. But he also brings to this narrative his own special talents and vision. As a novelist, he is drawn to drama and conflict. He has a refined sense of place, evoking the beauty and grandeur of the Australian landscape as well as the squalor of prisons and Irish-American ghettoes.

He also is drawn to the contradictions in the cast of characters handed to him by history. One such character is John Mitchel. A Protestant member of Young Ireland, he was found guilty of seditious libel by a rigged jury in 1848 and transported to the Australian gulag. Mitchel was a gifted writer, a vitriolic polemicist, and a brave man. In 1853, he made a daring escape from the Australian penal colony, found his way to New York, offended almost everybody he met, and ended up as a defender of slavery. During the Civil War, he moved to Richmond and wrote propaganda for the Confederacy. He saw no contradiction in his fiery advocacy of freedom for the Irish and his insistence that slavery was good for black people. His contradictions were Whitmanesque, and novelist Keneally—while disapproving of his ideas—clearly savors him as a character.

Especially interesting is Keneally's masterfully compressed account of the Fenian movement in America. His account of the pathetic Fenian invasions of Canada is heartbreakingly funny, except for the corpses. Among the Fenians was the extraordinary John Boyle O'Reilly, an Irishman serving in the British army. Born near the legendary hill of Tara, symbol of lost Celtic glory, he was writing for the *Drogheda Argus* by the time he was 11. A member of the Tenth Hussars at 19—he was regimental boxing champion there—he was an active Fenian recruiter within a year. Three out of every ten members of the British army were Irish, and Fenians believed that these forces could be inspired to mutiny in the cause of independence. In 1866, all seemed ready. But the British discovered the plot through informers, and the uprising never occurred. O'Reilly was arrested, found guilty of treason, and transported for life to Australia. Three years later, he made a daring escape and went to America. In Boston, he had a distinguished career as a writer and editor of *The Pilot*. He remained a supporter of independence for Ireland, but unlike the pro-Confederate Mitchel made a connection between the beaten-down Irish and the newly free black Americans.

It is here possible only to *suggest* the density and richness of Keneally's work. Some might cavil with him over certain techniques more natural to the novelist than to the historian; he tries to imagine the lives of certain Irish men and women who left no records, and is forced to use such locutions as "he must have felt" and "he certainly would have known that . . . " Keneally's imaginings might irritate others; I consider them modest and reasonable, and part of the honorable enterprise of acknowledging a few of the anonymous millions who left Ireland.

Frank McCourt, in his personal and specific way, adds still more detail to the ongoing story of the Irish diaspora. Neither writer would presume to have written the final word on that subject. After all, nobody can. **NR**

David, Done Right

DAVID GELERNTER

The David Story: A Translation with Commentary of 1 and 2 Samuel, by Robert Alter (Norton, 448 pp., $30)

THIS is a remarkable new translation of the Biblical books of First and Second Samuel. Robert Alter is exactly right about this story: It is "one of the most astounding pieces of narrative that have come down to us from the ancient world." He is exactly right about English Bible translations, which should render faithfully "the powerful cadences of the Hebrew" and capture "small but significant modulations in diction in the biblical language"; such translations necessarily entail "a high degree of literalism." He is right about the central importance of the translation itself versus the scholarly exoskeleton that supports it: His introduction is short and spare; his terse commentary is a mere "handmaiden" (as he says) to his translation.

And so there is only one way to evaluate Alter's accomplishment: by studying the English words in which he has rendered the Hebrew story. We need to read them carefully and then argue with them verse by verse—because Alter's

Robert Alter's extraordinary work shows that Bible scholarship is healthy and getting healthier.

work is too important not to argue with. His principles are clear, clean, bold, and right, but I'm not sure that he always lives up to them in practice. As a basis of discussion and comparison, I'll use a translation I'm preparing myself. But I'm no Alter competitor; along with nearly everyone else everywhere who studies the Bible, I am an Alter fan.

The translator into English has at his disposal the richest, most sensitive instrument ever invented for tuning in and capturing literary thought. Other Western languages are cheap transistor radios compared with the monumentally sensitive radio telescope of English, which can pick up faint nuances originating thousands of years ago. The David stories for their part are one of mankind's finest literary achievements. The sharpness of the characterizations, the power and momentum of the story, the terseness, accuracy, and beauty of the prose make this narrative uniquely great art.

How accurately can we capture its sound and feel in English? Consider the story of David and Bathsheba—the turning point of David's life, where his trajectory hits its zenith, noses over, and zooms downward.

From his palace rooftop at the summit of Jerusalem, David sees Bathsheba bathing. She is a married woman, but he

Mr. Gelernter, a professor of computer science at Yale University, is author most recently of *Machine Beauty*.

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fetches her, sleeps with her, gets her pregnant. Her husband is David's loyal soldier Uriah, whom David summons to town forthwith. He tries to induce Uriah to go home, relax, and sleep with his wife—so that Uriah will be assumed, in due course, to be the baby's father. Out of loyalty to his comrades in the field, who still face the dangers and hardships of war, Uriah refuses. So David sends him back to the front, bearing sealed orders commanding that his death in action be arranged. Uriah is killed, and David marries Bathsheba. But the prophet Nathan pronounces God's terrible judgment on David's crime: The child he has fathered will die.

Let's pick up the narrative where a messenger comes from the front to tell David that his orders have been carried out: Uriah is dead. Many others have been killed too. David orders that a reassuring message be conveyed to his field commander and henchman Yoav, who executed the bloody command. Here are David's instructions, in Alter's translation:

> The sword devours sometimes one way and sometimes another. Battle all the more fiercely against the city and destroy it. And so rouse his spirits.

That is, the messenger is to rouse Yoav's spirits. But in the Hebrew original, David uses the same verb twice in quick succession: The battle should be "strengthened" and his commander Yoav should also be "strengthened." Within the span of a single half-verse, Alter translates this one verb in two ways—the battle should be fought "more fiercely"; Yoav's spirits should be "roused." But he has cautioned us himself that a translator should avoid "at all costs the modern abomination of elegant synonymous variation, for the literary prose of the Bible turns everywhere on significant repetition."

I prefer:

> The sword consumes this and that; strengthen your battle against the town and overthrow it. Strengthen *him*.

It's clear, though, that Alter's "battle all the more fiercely" makes better, smoother reading than my version. Thus, a fundamental dilemma: Should we force the reader to cope with such awkward phrases as "strengthen your battle against the town" in order to maneuver him closer to the original? (Alter himself praises the King James Version for conveying "Hebrew idioms in English as though they had always been indigenous English idioms.") Or does a version like mine maneuver too close, yielding a noisy collision instead of music?

I don't know. I *do* know that the first phrase David uses in this passage sounds (as Alter says in his commentary) "like an old soldier's cliché (on the order of 'every bullet has its billet')." Alter translates: "The sword devours sometimes one way and sometimes another." Yet the reason that the Hebrew words sound like "an old cliché" is in part their terseness and strong alliteration. Clichés are often jingly: "waste not, want not," "a stitch in time saves nine," or for that matter, "every bullet has its billet." David says that the sword consumes *kha'zo v'kha'ze*, literally "like that and like this." "This and that" attempts to preserve the terseness and alliteration that Alter sacrifices.

Let's consider the language surrounding the terrible price David pays for his crime. Nathan tells David a parable, designed to make David (indirectly) condemn himself. David reacts exactly as Nathan had intended, with furious outrage at a rich man's casual, contemptible crime against a poor one. He tells Nathan (reading literally): "The Lord's life, but the man who did that is a son of death!" Which doesn't qualify as English. Alter translates:

> As the Lord lives, doomed is the man who has done this!

But in Hebrew, the reference to God is a terse karate-chop of a phrase, a mere two words: *Hai Ha-Shem*. (David uses God's proper name—traditionally rendered *Ha-Shem*, "the Name.") Alter's "As the Lord lives" conveys the meaning but not the force. I prefer:

> By God he is a dead man, the man who did this!

Alter could point out that the Hebrew refers to God's "life," and so does his English. But the Hebrew original conveys the thought in just two words—and this two-wordness is also a property of the text, and in this case (in view of the tense power of the original) a property that is worth preserving in translation. The same thing holds when, immediately afterward, David calls the criminal *ven mavet*—a son of death. Here is another phrase that is not only terse but hugely powerful—insofar as David doesn't merely predict a man's future ("doomed is the man . . ."), he refers to the *present*: *right now*, the man is as good as dead.

David fasts and prays continuously, but God's judgment against Bathsheba's child is carried out nonetheless. The king's courtiers are afraid to tell him the news. Alter translates:

> And David said to his servants, "Is the child dead?" And they said, "He is dead."

The courtiers' response amounts in Hebrew (as Alter notes) to a single word—a word that can accurately be translated "he is dead." But as Alter also notes, Biblical Hebrew has no word for "yes." One gives an affirmative answer by repeating (and thereby affirming) the essence of the question. The courtiers obviously intend to say as little as possible; once again, the Hebrew's terseness is eloquent and worth keeping. And I would rather translate:

> David says to his men: The child is dead? And they say, Dead.

And so it goes. I haven't given cause for a reader to reject a single word of Alter's translation, and I didn't intend to. Alter's version is always defensible and often beautiful—and much of it is beyond this kind of quibbling and on-the-other-handing. It is the best published English version of Samuel I know, by a wide margin. Anyone who cares about the Bible or the English language will want to read it. But the work of Bible translation goes on, and once we have agreed on the basic ground rules—to translate rather than paraphrase the original Hebrew, thereby acknowledging its incomparable artistic power—the decisions we reach are a matter of taste, must be subjective, can never be final.

When I was a graduate student of the Bible in the late 1970s, the field was still dominated by American archaeology

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and German "higher criticism," mainly source criticism. Archaeologists and philologists had made striking discoveries, and their work on ancient Akkadian and (especially) Ugaritic, the language of pre-Israelite Canaan, added significantly to our understanding of Biblical Hebrew. Most (though by no means all) of the archaeologists were second-rate writers and translators, but their prose was brilliant compared with the German source critics, who reared towering monographs of the ugliest, densest, lowest-grade prose (the literary equivalent of concrete block) on foundations of sheer nothing: They would pick sentences to pieces and confidently assign each fragment to a hypothetical source. As the alleged sources multiplied and solidified, they seemed more and more like elaborate delusions. Of course, such dissections can only be carried out on dead bodies. To the "higher critics," the text *was* dead.

My teacher Brevard Childs was an early leader of the modern literary school: His translation of Exodus (1974) was a direct response to classical-source criticism. "I am fully aware of the risks involved," he wrote, "when one cuts oneself away from the safe and well-charted boundaries which the canons of historical critical scholarship have come to regard as self-evident, perhaps even sacrosanct." "Calvin and Drusius," he wrote, "Rashi and Ibn Ezra"—the second pair being great medieval Jewish commentators—"belong among the giants. I have tried to show why these great expositors—the term 'pre-critical' is both naïve and arrogant—need to be heard in concert with Wellhausen and Gunkel," heroes of German higher criticism. These were daring statements in a daring book; since 1974, the best academic scholarship has moved steadily in his direction. I had known the David stories since childhood; virtually all American children used to, Jew and Christian. But it wasn't until I heard Childs read David and Bathsheba aloud that I started to understand this deep, moving, mysterious literary masterpiece. A recording of Childs reading the Bible would be a classic (and would probably sell a million copies to boot).

This modest, soft-spoken scholar's scholar surely ranks today as the world's greatest living student and teacher of the Bible. As for Robert Alter—when we look at modern scholarship, we are used to decay, despair, and disguised self-hatred. But Alter's extraordinary work shows that Bible scholarship is healthy and getting healthier. Read it and rejoice. **NR**

Best of a Breed

DAVID PRYCE-JONES

The Multiple Identities of the Middle East, by Bernard Lewis (Schocken, 176 pp., $21)

BERNARD LEWIS is today the doyen of historians of the Middle East. In this age of specialists and area studies, of sociological models, of prose dangling dead on the barbed wire of jargon, he seems like a survivor from the past, when scholarship was accessible to the general reader. His sentences are simple but lapidary. Familiar with the major languages and literatures of the Middle East, he knows most of those of Europe as well. The thoroughness of his footnotes is matched only by their linguistic range. For him, as for the other great historians, the facts must be right and then understanding will follow.

After the Second World War, when Lewis began his career, nationalism was sweeping the Middle East. Turkey and Iran were in the hands of nationalist modernizers. Israel came into being. In hitherto-colonized Arab countries, a handful of leaders in the manner of Gamal Abdel Nasser in Egypt mobilized nationalist mass movements in order to gain their independence.

The record has proven mixed. In the face of sustained challenges to their ethnic and national cohesion, Turkey and Israel have adopted Western political and social models. Nationalism in Iran has veered into Islamic fundamentalism. In Arab countries the experience of nationalism has been an almost unrelieved tragedy. The promise of democracy culminated instead in dictatorship. Arabs everywhere have had to endure

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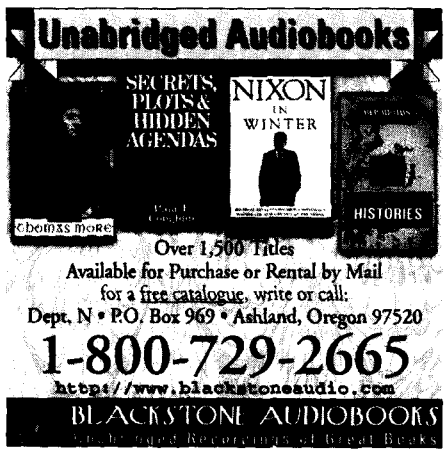

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half a century now of war and civil war, corruption and waste, the militarization of society, and the degradation of human relationships and customs.

With startling unanimity, Western academics and commentators greeted Nasser-type nationalist rulers and their work of destruction as progressive. This was a betrayal of ideals and intellect comparable to that of the Soviet fellow travelers who, at much the same time and in the same way, were pretending that the Soviet Union was all sweetness and light. In both cases, it would have helped the unfortunate masses if these influential and supposedly informed Westerners had come to their defense in the hour of need.

From such apologists for violence Bernard Lewis stood apart, strong-minded enough to reject fashion and propaganda. For him, contemporary developments are best assessed in historical context. Not some sudden panacea, nationalism was the latest twist in the complicated interaction between the world of Islam and the West. In the past, Christians and Muslims had met on equal terms. The Ottoman Empire, in the days of its power and glory, had colonized the fringe of Europe and might well have conquered more. Instead, Europeans colonized most of the Islamic world, establishing an unequal relationship with Muslims and provoking all sorts of emotional reactions that remain disturbing to this day.

The Emergence of Modern Turkey became a classic as soon as Lewis published it in 1961. He described minutely how the old Ottoman state transformed itself into contemporary Turkey in a fraught process that redefined heritage and identity, so that now a majority of Turks perceive themselves to be something new—Westernized contemporary Muslims. In elegant and often short books that followed, Lewis has described the place that Arabs and other Muslims have occupied in history, and the kinds of society they created down the centuries. He has carefully researched the three determining relations in Islam: between believer and unbeliever, between free man and slave, and between man and woman. Jews in the Islamic world used to suffer the sort of persecution and hostility that Lewis calls "normal." Murderous anti-Semitism was a late import from Europe, with potentially dire consequences for Israel. Even on so controversial a subject, Lewis has retained a scholarly objectivity.

For a long time, Muslims did not analyze why and how power had passed from them to Westerners. In *The Muslim Discovery of Europe* (1982), Lewis explored this crucial aspect of the East–West encounter with a mass of vivid detail taken from chronicles, official dispatches, and letters—all of it material before then hardly known. In general terms, there was a failure of imagination. Even at the highest level, Muslims believed that the West had little to offer and that its values and its technology could be safely spurned.

From apologists for violence Bernard Lewis stood apart, strong-minded enough to reject fashion and propaganda.

When they did perceive how the Age of Enlightenment had transformed and empowered Europe, it was too late for reform and rectification. Muslims everywhere then saw themselves doomed to powerlessness, and this generated further resentments and anxieties carrying through to the present.

The Multiple Identities of the Middle East is the latest of his elegant long essays. Lucid and expository, with only seven footnotes—taken from four languages—it is a guided tour to the socio-psycho-historical region that Lewis has made his own, where Muslims are coming to terms with the West. It is also an instructive account of the failure of nationalism, or more accurately, its inappropriateness.

Muslims, as Lewis stresses, had long been accustomed to seeing themselves as a community of the faithful. That was identity enough. Distinctions of language and country were not strong enough to bring into question the primary identity bestowed by Islam. Within the community there were rival empires, leading to war. Still, there were rules generally accepted by the various sultans and shahs, which smoothed over such contradictions. As Muslims came face to face with Westerners during the 19th century, they were introduced to the concepts of nation and state. Here were novel and alien organizing principles for society, and apparently the basis of Western success. To Westerners, nation, country, and language naturally converged in a state. Confusingly, some of the Westerners—historians and archaeologists—also began to reveal that a Muslim country like Egypt or Iraq had a past as glorious and ancient as any, offering a quite different pre-Islamic identity.

To create countries for Muslims was relatively easy for the Western powers in the colonial period. They seem to have done a reasonable job, for the borders of these countries survive today, though Palestine and perhaps Iraq are problematic. Language may not be quite as straightforward as it seems, for it suggests an Arab unity that all the hard political facts of life totally reject.

Leaders of nationalist movements argued that once the Arabs too were organized in nations, they would stand again on equal terms with the West. The trouble has been that the nation and the state as organizing principles do not fit people accustomed to perceiving themselves as a religious community. Linguist that he is, Lewis shows that the requisite vocabulary is missing, and all sorts of loan-words or new derivations have to be introduced for all sorts of innovative concepts.

Here, in this misfit between expectation and social structure, lies the cause of the violence that Arabs have done to themselves for much of this century. Put at its simplest, they have had the possibility of defining themselves as Muslims, as heirs of a great tradition, as subjects of a particular ruler, as inhabitants of a particular country, but have then been unable to place these various identities in any consistent or agreed order of priority. A humanist through and through, Lewis makes clear his hope that one day they will be citizens of nation-states, on an equal and normal footing with democratic Westerners. Also a realist, he does not think that this will happen soon, or without more pain. **NR**

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■ FILM ■

Stardust Memories

JOHN SIMON

I DON'T usually write about documentaries, because most of them belong under the rubric of reportage rather than art. To be sure, most feature films, too, fall very far short of art, generally aspiring only to be popular entertainments, and failing even at that. Clearly outclassing the current copycat, featureless feature films, however, is the documentary ***Marcello Mastroianni: I Remember***, by Anna Maria Tatò, whose name the press kit misspells Tató, which admittedly is nothing compared with the film's misnaming one of Mastroianni's favorite childhood movies as *Flaying Down to Rio*. Still, flaying alive might not qualify as excessive punishment for many in today's movie business.

Marcello Mastroianni (1923–1996) was a great film actor. It was not his fault he was dubbed "The Latin Lover," something he inveighs against in *I Remember*. Rightly so, for in several of his most important films he was not a lover at all: as the teacher-turned-labor-organizer in *The Organizer* (1963), a naïve youth shyly in love in *White Nights* (1957), a member of a gang of thieves in *Big Deal on Madonna Street* (1958), the caring older brother in *Family Diary* (1962), the impotent husband in *Il Bell' Antonio* (1960), the homosexual lusted after by Sophia Loren in *A Special Day* (1977), and several others. Even as the aging, lame Casanova of Ettore Scola's *That Night in Varennes* (1982), he is playing merely a human being, and no one in the movies has ever been more human than Mastroianni.

His was a startlingly handsome face that aged gracefully into a rueful palimpsest, where reading between the heavy lines of the present one could still discern the flawless alabaster past. When, as here, the posture has become slightly stooped, the walk somewhat hesitant, the viewer grows aware of his

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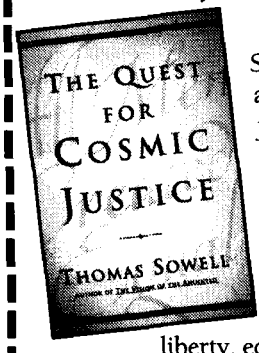

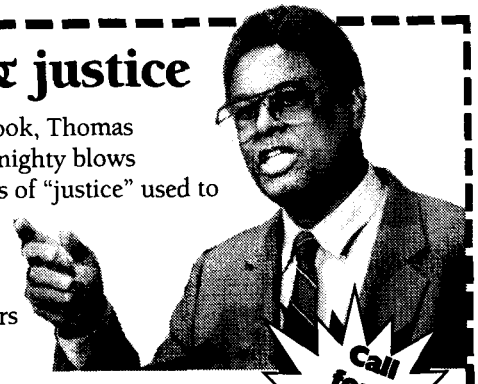

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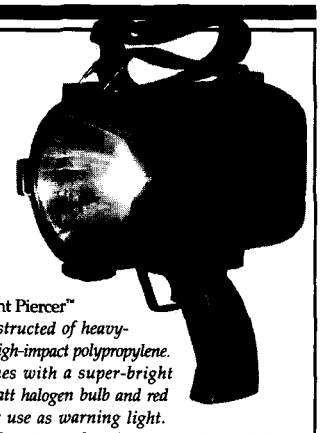

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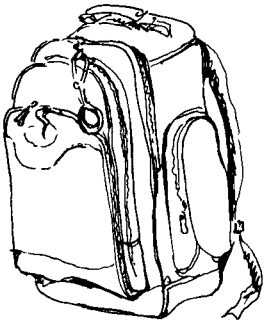
own aging. For we do not notice the tiny incremental stages of our own senescence, but in the sudden, shocking decrepitude of a movie idol we see our own mortality more truthfully than in any mirror. As *I Remember* moves freely forward, backward, and sideways, we get a fine perspective on Marcello's, our own, and everyone else's lives, and surely 200 minutes is not too long for a seminar on living.

Besides a ballooning wife (pasta, not helium) whom Marcello finally shed, there were well-publicized lovers such as his leading ladies Faye Dunaway and Catherine Deneuve, on whom he fathered the surprisingly unattractive and untalented actress-daughter Chiara. Could his then newly married co-star Brigitte Bardot also have been on the roster? In *I Remember*, he sings—or croaks—the famous Mozart aria about the number of Don Giovanni's conquests, and even his poor singing is not without charm. Conversely, his dancing, including the tap we see here, was good, except when, as in Fellini's *Ginger and Fred*, it was meant to be amateurish.

Anna Maria Tatò, a filmmaker and Mastroianni's companion for the last 22 years of his life, made this documentary in Portugal, where Marcello, then 73, was in his final movie, *Voyage to the Beginning of the World* (1996), directed by the 88-year-old Manoel de Oliveira. (Despite his age, Oliveira had "an irritating amount of energy," Mastroianni says. "I felt like his grandfather.") It is a poor film (as I would have expected from that inept director), but Marcello brightens it considerably. Although the questions Tatò asked for *I Remember* were agreed upon beforehand, the answers were neither scripted nor rehearsed: only one camera, and always only one take. The result, with intercut sequences from Marcello's films (some of which were unseen in the U.S.) and a late stage appearance, is spontaneous and enchanting.



This was a man intelligent, witty, modest, honest, and charming to his fingertips—ah well, that was Marcello's only blemish: stubby, unaristocratic fingers. Fellini was well aware of them, as Marcello and he (Fellini makes several brief appearances) duly noted; the director even tried to lengthen them with plastic extensions. In the end, he took them as they were, as he also did what he jokingly called his star's "country-bumpkin face." He would tell his cherished cinematographer, Giuseppe Rotunno, who shot this film too, "Make him handsome! You must make him handsome!"

(Mastroianni took this sort of thing with a humility unknown in today's Hollywood. "He was right when he used to say, 'Make him handsome,' or 'make her beautiful,'" he said of Fellini, "because the actor is a hyphen between the filmmaker and the audience.")

I remember the dinner at Mastroianni's house on the fabled historic Appian Way to which the director Lina Wertmuller took me one evening. The food was delicious, our host delightful. I particularly recall his taking us around his art collection, including several discolored rectangles where paintings used to hang. "This was a Vespignani," Marcello would say with a shamefaced smile, "gone to pay the tax man."

No one in the movies has ever been more human than Marcello Mastroianni.

In the movie, too, while musing about the absurdity of American actors turning their profession into something painful and tormented, he observes that this makes sense only if you are in arrears with tax payments or out of work. He compares acting to the cops-and-robbers games of his childhood: "This profession is marvelous. You are paid to play games, and everybody applauds. Of course, you need a little talent. But what more could anyone ask for?"

Against lively, shifting Portuguese backgrounds—mountains, rivers, the shady bench and table in front of a country inn—the actor reminisces, reflects, makes graceful confessions, but without revealing any indiscreet details about himself or others. He is totally free of envy or malice, never mentioning the names of mediocrities he worked with on some of his 170 or so pictures, but always full of admiration for all sorts of people, including such rival leading men as Vittorio Gassman and Gian Maria Volontè. Gassman, in fact, secretly coached him out of his stage fright when both acted on the stage in Alfieri's *Oreste* for the sternly demanding Luchino Visconti. Gassman also had to drag the frightened novice out of the toilet, where nerves made him pee continually.

The actor claims to be not one for books, although quotations from Proust, Stendhal, Diderot, Kafka, and Chekhov come easefully to his lips. He hates TV ("Could it be old age, or is television really cretinous?"), except for old movies and documentaries about animals, but not fish or birds, which bore him. And there are sweet little anecdotes. Just once, Marcello's beloved younger brother Ruggero, a fine film editor, acted with his star sibling in a dismal historical movie about Scipio the African, a scene from which we see here. As always, Mamma Mastroianni caught the finished film, and commented, "Well, Marcello, you were wonderful as usual, but the redhead [Ruggero] was better."

Or the time when the 19-year-old Marcello, on an absurd wartime journey with no lights allowed on a blacked-out, hopelessly crowded train, was suddenly passionately kissed. "I never knew whom I kissed. But I am sure it was a woman—though I don't know whether she was pretty or ugly. How many years have passed? And yet that moment is still present, truly, one of the most intense memories of my life. Memory is bizarre, isn't it? Bizarre like love."

Thus speaks the self-disclaimed Latin Lover but indisputable charmer. No wonder that, as we see in the film, busloads of tourists would briefly stop by that villa on the Via Appia. An offscreen voice says, "I know the Americans. First they go to the Coliseum, then to the catacombs, and then they come here to 'Mastroianni! Mastroianni!' And he's got to show his face." And speaking of shown faces—and bodies—another recurrent presence here is his frequent co-star, Sophia Loren, especially endearing in a striptease she performs for Marcello. To quote that happy man, "What more could anyone ask for?" **NR**

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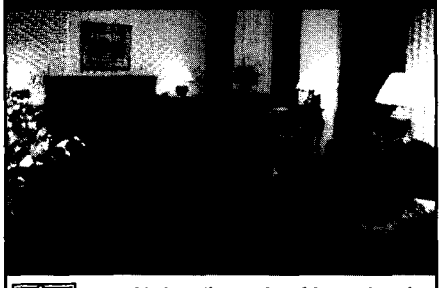

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WILLIAM F. BUCKLEY JR.

Tax Reduction And Demagogic Talk

NEW YORK, AUGUST 3

OVER the weekend an enormously influential public figure, speaking informally, rued the "demagogic appeal" of an appeal to lower taxes. By sheer coincidence, the denunciation was heard here the very day after Prof. Milton Friedman, again at an informal gathering, reiterated his recommendation that taxes be cut. It would be easier to discount Friedman as a bad economist than as a demagogue. The dictionary reminds us that a demagogue "obtains power by means of an impassioned appeal to the emotions and prejudices of the populace." Prof. Friedman can be said to be fond of people at large and as free of their passions as Rodin's *Thinker*, who was cast in bronze.

And then one wonders who the "populace" is. A demagogic appeal is presumably made to the mob; to the "common people," as in ancient times. Why is it thought demagogic to advocate lower income taxes? Because the majority will swoon in their support of such a measure?

For the sake of convenience, rounding off figures with severity, let us assume that there are 100 million voters/taxpayers (actually, there are 114 million filed returns). An appeal to lower the taxes would be thought, if demagogic in motivation, to appeal to the majority.

But are the majority listening? What do they stand to get from calls for tax reduction?

By our 100-million table, who is paying how much?

One million people (1 percent) are paying 30 percent of all federal taxes. So . . . you get their vote. Good. You have upped your vote by 1 percent.

Five million people (5 percent) are paying 50 percent of all taxes. Congratulations! By cutting taxes you've just got yourself 5 percent of the vote.

Ten million people (10 percent) are paying 60 percent of the taxes. So, you have a crack at 10 percent of the voters.

What about at the other end?

Fifty million people/voters (50 percent) are paying 4.6 percent of the taxes. There isn't much there to reduce. In 1995, 48 million Americans paid zero tax.

So the question is reasonably asked: Assuming that a taxpayer were influenced exclusively by the tax recommendations of one of the political parties, is it a successful political enterprise to seek to swell your support by advocating tax reductions? In 1998 the rich-man vote (annual income over $75,000) went 53 percent to the GOP, 47 percent to the Democratic party. It is obvious then that a call to reduce taxes doesn't necessarily bring around rich folk. Some of them stay on the other side no matter what. It boils down, then, to very small numbers. How, then, the word "demagogic"?

One would think it demagogic to say things like, "Everybody who has a driver's license should be able to vote by postcard." That would leave it to the contending party to say, "Our bill would send you a postcard pre-stamped."

Would it be demagogic to come out against obscenity laws? On the grounds that the ACLU militants would thereby be won over?

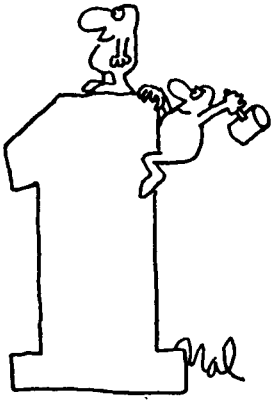
No, you say: because the anti-obscenity people would be riled.

Well, then, are people who pay no taxes riled at the prospect of diminishing the taxes on those who *are* paying them?

Yes—one saunters down the analytical lane: Presumably the 48 million who pay no taxes will be annoyed if the 1 percent who pay 30 percent of the tax load are relieved a little, on the grounds that the reduction of their tax payments means less that might otherwise be distributed to—the 48 million!

Well, 48 million is a lot more than 1 million. Therefore, isn't it demagogic to come out *against* tax reduction? By doing so you are indeed appealing to the populace, are you not?

If you come out against crime, are you making a demagogic point? We earnestly want crime reduction, but it is also true that only a very few people, statistically, are victims of crime. The appeal is to the larger body who not only deplore crime but worry that they might one day be crime victims. So . . . they are attracted to the anti-crime candidate. At what point can the anti-crime politician be taxed with demagogic arguments? When he asks for draconian measures (a curfew, say, in crime-ridden districts)? Is the curfew advocate engaging in demagogy?



And if it's the quality of your listeners you are concerned with, is it demagogic to go down the politically correct road?

North Korea Knocking

NEW YORK, JULY 29

THE North Korea problem presses and we learn that in Singapore, the Association of South East Asian Nations is above all other matters concerned with what to do about Pyongyang.

Specifically, American intelligence has said that as things are now going, the North Koreans plan to test Taepodong 2, which is an advanced version of T-1, which rocked the world when last August it soared chirpily right over the island of Japan. T-2 is designed to do better than T-1, and better means that it could land a nuclear payload in Alaska or Hawaii.

This takes us back to a very old nightmare. Sixty years ago it was dubbed, "Why die for Danzig?"—a call against mobilization and war to keep Poland from Hitler. In the Cold War age, when it became clear that the Soviet Union could take out American cities, we settled on a balance of terror—mutual assured destruction. Partners to that convention guaranteed that their own weapons systems would continue to be vulnerable. It was the convention that gave rise to the ABM Treaty, which aborted much that might have been done to create an anti-missile missile.

Now in North Korea we have incipiently the same situation. Are we willing to risk Honolulu? That will be an expression of it.

Seven years ago President Bush visited Seoul. At one point he asked the commanding general of U.S. forces there: How many lives would be lost if the North Koreans blasted away with all the conventional arms they have, at Seoul? Seoul, remember, is about as far from the North Korean border as Brooklyn is from Manhattan. The general gave the answer: Approximately 200,000 deaths. I.e., that is how many South Koreans would die before preponderant forces subdued the North

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Koreans. A recent analysis by an expert says that figure is too small, that we should be talking about 500,000 deaths.

We learn from the Singapore South East Asian Nations meeting that a full mobilization of our forces there has fashioned an ultimatum to the North Koreans. Japanese foreign minister Masahiko Komura said at a press conference that if North Korea went with the T-2 test, the Japanese government would "probably" withdraw the $1 billion it has allocated for the Korean Energy Development Organization. This is the same outfit to which the United States contributes 500,000 tons of fuel: the joint idea of Japan and the U.S. being to induce North Korea to develop energy other than by such nuclear devices as can be transformed to the plutonium that makes nuclear weapons.

Already, destabilization is rife. After T-1, the Japanese became interested in theater nuclear weapons. They haven't been purchased, or developed, or deployed. But the betting is that they will be in the event that T-2 is fired off. But Japanese interest in such missiles has terrified the Chinese, who believe (and have good historical reason for doing so) that Japan is always covetous of conquest, and might look at China as Granddaddy Japan looked at China, as a convenient place to rape and kill, as in Nanking 65 years ago. And then, of course, China peers over at Taiwan, which might celebrate its unity with the mainland by seeking anti-missile technology.

The whole thing is a real mess. In this space recently the question was asked that dominates the thought of the people who need to decide what to do: Is Kim Jong Il the kind of leader who would take his own country down with him in a seizure of imperial grandiosity? There really are such people in the world, we all know, but we have tended to concentrate, when speaking of rogue nations, on Iran and Iraq and Libya. Begin with the assumption that if Hitler had known in 1939 that by pursuing his projected course, six years later his authority would extend only to an underground bunker in Berlin, and the only relevant weapon left for him, his own pistol, with which to shoot his wife and himself—he'd have called the whole thing off.

But is that absolutely reliable? And since there is no way to show Hitler-1939 a picture of Hitler-1945, how do we proceed to make our deterrent demonstrations? What do we tell Kim Jong Il? And what are we prepared to say to him when he tells us, "So, you tell me if I proceed to develop my nuclear capacity, North Korea will be obliterated. I will give you my reaction to this after you give me your reaction to my telling you that if you proceed against us, the city of Seoul will be obliterated." Is that a tongue-tying question?

The idea of deterring North Korea by threatening maybe to suspend a billion-dollar credit is consoling, and illusory. A show of very great strength is greatly needed, such as might impel Kim to think about life, and death, in a bunker.

Foreign Sparkplugs

NEW YORK, JULY 27

A WEEK'S trip in good old jaded Europe stirs the patriotic juices. The evening of our return, *60 Minutes* features a man called Casso who is in jail and has been since 1993 for "more than 100 crimes," including 36 murders and, fleetingly, one wonders, Can this be the home of the brave? The thug in question is angry because, he claims, the prosecution pulled back from a deal. In return for evidence against his fellow murderers, the defendant would be sent to jail for a set period of time, which meant parole sometime before the end of his life. Now the prosecution has indeed pulled away from the deal, charging that the prisoner broke his end of the bargain by committing crimes while in jail. This is the kind of thing we ponder, in a crime-ridden society; even so, one in which criminal activity is privatized.

Consider Oslo. Norway is offhandedly thought to be a solid constituent of the Scandinavian partnership that radiates civilized behavior, and indeed there are reasons to think this so. But in Oslo one inspects the ravages of the Nazi invasion of 1940, when a Norwegian prime minister proffered shelter. The Nazis came, and they conquered, and in the war years an estimated 45,000 Norwegians were executed. The exhibit at the old fort features a Resistance Center. There one views the actual document, signed by Hitler, ordering the invasion. And there, in little window displays, are pictures of the kind of treatment given to Norwegian dissenters, including an array of instruments showing off the high art of human torture. One looks down on pieces of copper wire and bulbous tubes of the kind one associates with Grandfather's old radio. These were the indispensable means of communication among the resisting minority. Twenty-five thousand Jews were deported, 900 returned in 1945.

Berlin remains a central attraction, and the evanescence of tyranny is a highlight of the visit. The tour guide, so accustomed to a single free city, neglects even to mention whether you are viewing something in the eastern end of Berlin or western. The city resembles a mock-up of a city construction center. There are cranes to the left, to the right, ahead and behind, as if the whole city were preparing for a world's fair beginning in September. All grand and robust and lively, but the center of attention rests, inevitably, with Checkpoint Charlie. That was what, up until the Wall came down in 1989, free men and women needed to pass through, before being admitted to travel east or west.

There is a hint of Prussian thoroughness in what the Communists came up with to seal in their privations and prevent their citizens from flights to freedom. The Wall was covered by what looks like one half of a wooden barrel of infinite length. Its purpose? Well, you see, Johnnie, when people try to jump over a wall, their fingers and nails try to grip something so they can haul their bodies up and over. Ho ho! They will find nothing on this Communist wall because the surfaces are rounded! But just in case, there was barbed wire and lights and electrical alarms and dogs. It required a great deal to keep Germans living in workers' paradise.

Highly informed visitors gave it as their retrospective opinion that if President Kennedy had sent in a column of tanks, the Wall would not have risen. Afterthoughts are supposed to be useful: They furnish the mind with preemptive knowledge. A question addressed to the same, eminent lecturers, some of whom had served in presidential cabinets: What kind of preemptive steps should be taken now in North Korea? An ultimatum, most of them recommended.

But ultimatums leave an important question unanswered. Is Kim Jong Il, dictator of North Korea, more like Adolf Hitler, or more like Milosevic? Hitler didn't give up the war until the bombs reached his own bunker. Does Kim desire a survival of North Korea? If so, he would yield to an ultimatum; if not, he would go the kamikaze route and take with him a million or so Koreans—North and South. Who finds out what Kim's temperament is? Would he go down gladly in a sinking ship? Or opt to survive?

Nestled back in the arms of the Statue of Liberty, one wonders gratefully that organized criminals don't have whole states backing them up. The only difference between the killer Casso and Hitler is that Hitler had 200 divisions and an appetite for slaughter that wasn't appeased by restaurateurs and delivery-truck drivers and garbage collectors. The Resistance Museum in Oslo and Checkpoint Charlie should travel. They are headier inspirations to the love of liberty than the Washington Monument.

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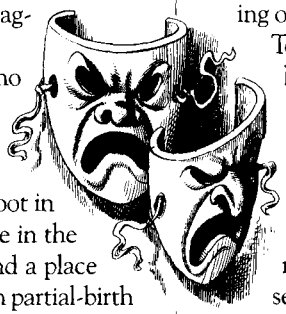
■ THE MISANTHROPE'S CORNER ■

FLORENCE KING

IT'S been open season on *The Oxford Psychiatric Dictionary* since Bob Woodward invented the "Clara Bow Syndrome" to describe Monica Lewinsky, so I will now contribute my own original entry: LEXOPHOBIA, "fear of law."

Lexophobia is not merely a fear of being sued and running up Clintonian legal bills, not simply the normal revulsion brought on by the sight of a lawyer, but a burgeoning psychosis that has America in its grip. Its symptoms are three, the first being a paranoid certainty that every law is a potential dragnet.



Propose a law, any law, no matter how sensible and needed, and the air will instantly be filled with howls of despair about a "foot in the door," the "camel's nose in the tent," a "slippery slope," and a place called "down the road." Ban partial-birth abortion and it's back to coat hangers and button hooks; fund abortions for inner-city teens and genocide is just around the corner. Censor *Hustler* and they'll come after *Harper's*. Institute dress codes and the next thing we know women will be forced into purdah. Outlaw assault weapons? Today my elephant gun, tomorrow my son's .22 rifle. Pass an amendment against flag-burning? Do you know what they could do to me if I accidentally dropped a cigarette on my Fourth of July tee shirt? And what about the red-white-and-blue paper cups at the picnic?

The newest kids on the lexophobia block are video-store owners who like to point out that "Big Brother" could, *could* use the V-chip to limit or keep records on what movies people watch; and the anti–metric-system shut-ins who equate steres and litres with the coming of world government and compulsory "harmonization," a fresh scare word that is made to order for the website era.

The second symptom of lexophobia is the belief that laws are so unfairly applied that the innocent get off scot-free.

One of our latest buzzwords is "specificity," yet we condemn every instance of it as evidence of "singling people out." Watchdog groups are doing their best to hamstring the police in the matter of "profiling," which, says *Washington Times* metro columnist Fred Reed, simply means cops noticing things. Attempts to outlaw profiling are attempts to spread suspicion equally among all classes of citizens and build a more just world in which cops stop the CEO of a Fortune 500 company to ask him why he's driving such an expensive car, and arrest the Salvation Army lady for prostitution because she's standing on a corner.

To lexophobes of this stripe, social harmony takes precedence over the science of criminal investigation, but by demonizing its chief tool, deductive reasoning, they have planted the idea that if the country is to hold together, nothing must be allowed to make sense.

By charming coincidence, nothing does. We used to tell jokes about being "a little bit pregnant" but *Roe* v. *Wade* verified the condition and gave it a name: first trimester. Now we don't even notice when someone claims to be "sort of enraged" or "kind of devastated." We have become human punch lines seeking safety in equivocation and teasing ourselves with visions of more and better confusion. Consider Sarah Wunsch, an ACLU lawyer in Massachusetts, who said after Littleton: "I almost wish somebody in a football jersey had done it. What would they do then?"

"They" and "Them" are key players in lexophobia, which is predicated on the midnight knock at the door and the sudden disappearance associated with totalitarian governments. The irony, which lexophobes can be counted on to miss, is that their efforts to stamp out judgmentalism by stamping out cause and effect have turned us into what totalitarian governments love best: a nation of insecure nervous wrecks unable to think straight who will either accept the solace of passivity or else explode, justifying a crackdown.

Lexophobia takes its hardest toll on conservatives. Liberals love gradualism and incrementalism; their idea of fun is petitioning all 50 state governments one by one to effect some tiny change that they proudly call "a step in the right direction." Conservatives, contrary to our name, tend to be go-for-broke people whose natural inclination not so long ago was to *abolish* the National Endowment for the Arts and the Department of Education, *end* abortion, *outlaw* flag-burning, and *rescue* school prayer.

But action verbs are out now that one conservative's litmus test reminds another conservative of those ancient maps marked "Here be monsters." Conservatism is so splintered that it has been forced to abandon its coherent political philosophy and take up the gnomish passions of lexophobia. The latest practitioner is George W. Bush. Yes, he's pro-life and believes in a pro-life amendment, but it would be impossible to get it passed, and besides, *Roe* v. *Wade* won't be reversed anytime soon, so forget about it and concentrate on his campaign slogan: A camel's nose in every tent, and two left feet in every door.

The final and most pervasive symptom of lexophobia is unquestioning support for laws that make people feel good about themselves, i.e., that body of hysterical ukases known as political correctness.

Contrary to current received wisdom, nothing is more compassionate than detached, impersonal fair play, and there is one place where it has always been practiced. In her biography of Henri de Toulouse-Lautrec, Julia Frey writes:

> In the brothel, "kindness" was eliminated. Nothing was given away there; there was no pretense that the women loved their clients. The interactions were straightforward; everything was for sale. No one was being nice to him because they felt sorry for him. He, like any client, paid for drinks, amusement, sex. He owed no emotional debts and could choose to accept or decline what was offered.

Then there's the Houston City Council, where the affirmative-action director was suspended, ordered to undergo sensitivity training, and forced to apologize for referring to a councilman, who is a dwarf, as a "midget." **NR**

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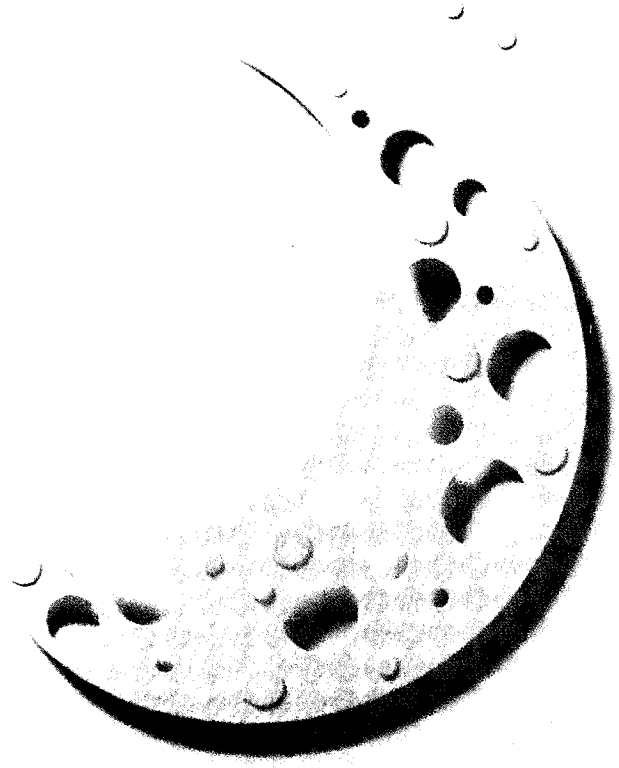

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